



Walter Carlson

Complements of
J. A. Mc Geough

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1883,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS,
ETC., ETC.

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A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

THE end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life : and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of
government.

The body politic is formed by a voluntary association of individuals : it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them ; that every man may, at all times, find his security in them.

Body politic.
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into

an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.
2 Cush. 104.
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of GOD, and of public instructions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public Protestant teachers of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

Legislature empowered to compel provision for public worship;

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. 8 Met. 162. Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the

Objects of government; right of people to

institute and
change it.

Right of people
to secure rota-
tion in office.

All, having the
qualifications
prescribed,
equally eligible
to office.
For the defini-
tion of "inhabit-
ant," see Ch. 1,
Sect. 2, Art. II.
Right of protec-
tion and duty of
contribution
correlative.
Taxation found-
ed on consent.
16 Mass. 326.
1 Pick. 418.
7 Pick. 344.
12 Pick. 134, 467.
16 Pick. 87.
23 Pick. 300.
7 Met. 388.
4 Gray, 474.
7 Gray, 363.
14 Gray, 154.
1 Allen, 150.
4 Allen, 474.
Private prop-
erty not to be
taken for public
uses without,
etc.
6 Cush. 327.

Remedies, by
recourse to the
law, to be free,
complete and
prompt.

Prosecutions
regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.

people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestible, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

14 Gray, 155.	12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.
16 Gray, 417, 431.	100 Mass. 544, 560.	111 Mass. 130.	127 Mass. 50, 52.
1 Allen, 150.	103 Mass. 120, 124.	113 Mass. 45.	353, 363, 410, 413.
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	129 Mass. 539.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially, and formally, described to him; or be compelled to accuse,

or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

100 Mass. 287, 295.	108 Mass. 5, 6.	122 Mass. 332.	127 Mass. 550, 554.
103 Mass. 418.	118 Mass. 443, 451.	124 Mass. 464.	129 Mass. 559.
107 Mass. 172, 180.	120 Mass. 118, 120.		

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

114 Mass. 388, 390.	122 Mass. 505, 516.	125 Mass. 182, 188.
120 Mass. 320, 321.	123 Mass. 590, 593.	128 Mass. 600.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and

21 Pick. 542.
2 Met. 329.
12 Cush. 246.
1 Gray, 1.
5 Gray, 160.
8 Gray, 329.
10 Gray, 11.
11 Gray, 438.
2 Allen, 361.
11 Allen, 238-
240, 264, 439,
473.
12 Allen, 170.
97 Mass. 570,
573.

Right to trial by jury in criminal cases, except, etc.
8 Gray, 329, 373.
103 Mass. 418.

Crimes to be proved in the vicinity.
2 Pick. 550.
121 Mass. 61, 62.
Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cush. 369.
1 Gray, 1.
13 Gray, 454.
10 Allen, 403.
100 Mass. 136, 139.
126 Mass. 269, 273.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend't VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
102 Mass. 45, 47.

Liberty of the press.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.
5 Gray, 121.

the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.
8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

Ex post facto laws prohibited.
12 Allen, 421,
424, 428, 434.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, etc.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Excessive bail or fines, and cruel punishments, prohibited.
5 Gray, 482.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be quartered in any house, unless, etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt from law-martial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.

3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219,
221, 225.
Tenure of their office.

Salaries.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of executive, judicial, and legislative departments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282, 286.
114 Mass. 247, 249.
116 Mass. 317.
129 Mass. 559.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

Title of body politic.

CONSTITUTION OF THE

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative
department.

For change of
time, etc., see
amendments,
Art. X.

Governor's veto.
99 Mass. 636.

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

For exception
in case of ad-
journalment of
the general
court within
the five days,
see amend-
ments, Art. I.
3 Mass. 567.
General court
may constitute
judicatories,

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories and

courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

courts of record,
etc.
8 Gray, 1.
12 Gray, 147,
154.

Courts, etc.,
may administer
oaths.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and sup-

General court
may enact laws,
etc.
9 Gray, 426.
4 Allen, 473.
12 Allen, 223,
237.
100 Mass. 544,
557.
116 Mass. 467,
470.

may enact
laws, etc., not
repugnant to
the constitution.
6 Allen, 358.

may provide
for the election
or appointment
of officers.
115 Mass. 602.

may prescribe
their duties.

may impose
taxes, etc.
12 Mass. 252.
5 Allen, 428.
6 Allen, 558.
8 Allen, 247, 253.
10 Allen, 235.
11 Allen, 268.
12 Allen, 77, 223,
235, 238, 240, 298,
300, 312, 313, 500,
612.
98 Mass. 19.
100 Mass. 235.
101 Mass. 575,
585.
103 Mass. 267.
114 Mass. 388,
391.

116 Mass. 461.
118 Mass. 386,
389.
123 Mass. 493,
495.
127 Mass. 413.

may impose
taxes, etc., to be
disposed of for
defence, protec-
tion, etc.
8 Allen, 247, 256.
Valuation of
estates once in
ten years, at
least, while, etc.
8 Allen, 247.
126 Mass. 547.

port of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

CHAPTER I.

SECTION II.

Senate.

Senate, number
of, and by whom
elected.
Superseded by
amendments,
Art. XIII.,
which was also
superseded by
amendments,
Art. XXII.

For provision as
to councillors,
see amend-
ments, Art.
XVI.

Counties to be
districts, until,
etc.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.]

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz.:—Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant" in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators

Manner and time of choosing senators and councillors.
Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.
As to cities, see amendments, Art. II.
These provisions as to the qualifications of voters, superseded by amendments, Arts. III., XX. and XXVIII.
Word "inhabitant" defined.
See also amendments, Art. XXIII., which was annulled by Art. XXVI.
12 Gray, 21.
122 Mass. 595, 597.

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January.
See amendments, Art. X.

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

Senate to be final judge of elections, etc., of its own members. Time changed to first Wednesday of January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in

Vacancies, how filled. Changed to election by

every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit, under this commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

people.
See amend-
ments, Art.
XXIV.

Qualifications of
a senator.
Property quali-
fication abol-
ished.
See amend-
ments, Art.
XIII.
For further pro-
vision as to
residence, see
also amend-
ments, Art.
XXII.

Senate not to
adjourn more
than two days

shall choose
its officers and
establish its
rules.

shall try all
impeachments.

Oath.

Limitation of
sentence.

Quorum.
For further pro-
visions, see
amendments,
Art. XXII.

CHAPTER I.

SECTION III.

House of Representatives.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation
of the people.

Representatives, by whom chosen.
Superseded by amendments, Arts. XII. and XIII., which were also superseded by amendments, Art. XXI.
7 Mass. 523.

Proviso as to towns having less than 150 ratable polls.

Towns liable to fine in case, etc.

Expenses of travelling to and from the general court, how paid.

Qualifications of a representative.
New provision as to residence.
See amendments, Art. XXI.
Property qualifications abolished by amendments, Art. XIII.

Qualifications of a voter.
These provisions superseded by amendments, Arts. III., XX. and XXVIII.
See also amendments, Art. XXIII., which was annulled by Art. XXVI.
Representatives, when chosen.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.]

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeable to this constitution.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the same town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House alone
can impeach.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

House to origi-
nate all money
bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

not to adjourn
more than two
days.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

quorum.
Superseded by
amendments,
Art. XXI.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

to judge of
returns, etc., of
its own mem-
bers; to choose
its officers and
establish its
rules, etc.

may punish
for certain
offences.
14 Gray, 226.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the general assembly.

Privileges of
members.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Senate.
Governor and
council may
punish.
General limita-
tion.
14 Gray, 226.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

Trial may be by
committee, or
otherwise.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be — HIS EXCELLENCY.

His title.

To be chosen annually.
Qualifications.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceeding; and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

Requirement of religious declaration abolished by amendments, Art. VII.

By whom chosen, if he have a majority of votes.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

As to titles, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a majority.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and [in case of an election by a majority of all the votes returned], the choice shall be by them declared and published; [but if no person shall have a majority of

votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.]

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

May adjourn or prorogue the general court upon request, and convene the same.
As to dissolution, see amendments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

As to dissolution, see amendments, Art. X.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the

Governor to be commander-in-chief.

commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Limitation. : Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

Governor and council may pardon offences, except, etc. VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

**But not before conviction.
109 Mass. 323.** IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the gov-

**Judicial officers, etc., how nominated and appointed.
For provisions**

ernor, by and with the advice and consent of the council ; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

as to election of attorney-general, see amendments, Art. XVII.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards ;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments ; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades ; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected. Limitation of age struck out by amendments, Art. V.

How commissioned.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other ; and be commissioned by the governor.

Major-generals, how appointed and commissioned.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Vacancies, how filled, in case, etc.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

The commanding officers of regiments shall appoint their adjutants and quartermasters ; the brigadiers their brigade-majors ; and the major-generals their aids ; and the governor shall appoint the adjutant-general.

Adjutants, etc., how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Army officers, how appointed.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Organization of militia.

Money, how
drawn from the
treasury, ex-
cept, etc.
13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public
boards, etc., to
make quarterly
returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

Salary of
governor.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salaries of jus-
tices of supreme
judicial court.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be — HIS HONOR; and who shall be qualified, in point of [religion,] property, and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

Lieutenant-governor; his title and qualifications. The requirement of a declaration of belief in the christian religion was abolished by amendments, Art. VII.

How chosen.

Election by plurality provided for by amendments, Art. XIV.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

President of council. Lieutenant-governor a member of, except, etc.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

Lieutenant-governor to be acting governor, in case, etc.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to

Council. Number of councillors

changed to
eight.
See amend-
ments, Art.
XVI.

Number; from
whom, and how
chosen.
Modified by
amendments,
Arts. X. and
XIII.
Superseded by
amendments,
Art. XVI.

If senators be-
come council-
lors, their seats
to be vacated.

Rank of
councillors.

No district to
have more than
two.

Register of
council.

Council to exer-
cise the power
of governor in
case, etc.

Elections may
be adjourned
until, etc.

Order thereof.
Superseded by

consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in

the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

amendments,
Arts. XVI. and
XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer, and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary, etc.,
by whom and
how chosen.
For provision as
to election of
secretary, treas-
urer, and re-
ceiver-general,
and auditor and
attorney-gen-
eral, see amend-
ments, Art.
XVII.

Treasurer in-
eligible for more
than five suc-
cessive years.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

Secretary to
keep records;
to attend the
governor and
council, etc.

CHAPTER III.

JUDICIARY POWER.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Tenure of all
commissioned
officers to be
expressed.
Judicial officers
to hold office
during good
behavior, ex-
cept, etc.
But may be
removed on
address.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of su-
preme judicial
court to give
opinions when
required.
122 Mass. 600.
126 Mass. 557,
661.

Justices of the
peace; tenure
of their office.
3 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for
holding probate
courts.
12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Of marriage,
divorce, and alimony.
Other provisions made
by law.
105 Mass. 327.
116 Mass. 317.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

CHAPTER IV.

DELEGATES TO CONGRESS.

Delegates to
congress.

The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

Harvard
College.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six,

laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Powers, privileges, etc., of the president and fellows, confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviser or devisors.

All gifts, grants, etc., confirmed.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the con-

Who shall be overseers.¹

See Statutes,
1851, 224.
1852, 27.
1859, 212.
1863, 173.
1880, 65.

Power of alteration reserved to the legislature.

gregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, etc.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

Oaths, etc.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accept-

ing the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being.]

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

Declaration and oaths of all officers.

["I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God."].

For new oath of allegiance, see amendments, Art. VI.

Oath of office.

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, GOD."

Proviso.
See amend-
ments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*"I do swear," "and abjure," "oath or," "and abjuration,"* in the first oath; and in the second oath, the words] *"swear and,"* and [in each of them] the words *"So help me, God;"* subjoining instead thereof, *"This I do under the pains and penalties of perjury."*

Oaths and
affirmations,
how adminis-
tered.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Plurality of
offices prohib-
ited to governor,
etc., except, etc.
See amend-
ments, Art.
VIII.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Same subject.
1 Allen, 553.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Incompatible
offices.
For further pro-

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-

general — treasurer or receiver-general — judge of probate — commissary-general — [president, professor, or instructor of Harvard College] — sheriff — clerk of the house of representatives — register of probate — register of deeds — clerk of the supreme judicial court — clerk of the inferior court of common pleas — or officer of the customs, including in this description naval officers — shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

visions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

Incompatible offices.

Bribery, etc., disqualify.

Value of money ascertained.

Property qualifications may be increased. See amendments, Art. XIII.

Provisions respecting commissions.

Provisions respecting writs. 2 Pick. 592. 3 Met. 58. 13 Gray, 74.

Continuation of former laws, except, etc. 1 Mass. 59. 2 Mass. 534. 8 Pick. 309, 310. 16 Pick. 107, 115. 2 Met. 118.

Benefit of
habeas corpus
secured, except,
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

The enacting
style.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.”

Officers of
former govern-
ment continued
until, etc.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Provision for
revising con-
stitution.
For existing
provision as to
amendments,
see amend-
ments, Art. IX.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for
revising con-
stitution.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

Provision for preserving and publishing this constitution.

ARTICLES OF AMENDMENT.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, etc., not approved within five days, not to become a law, if legislature adjourn in the mean time.
3 Mass. 567.
See Const., Ch. I. § 1, Art. II.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

General court empowered to charter cities.
122 Mass. 354.

Proviso.
112 Mass. 200.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which

Qualifications of voters for governor lieutenant-governor, senators and representatives.
11 Pick. 538, 540.

14 Pick. 341.
 14 Mass. 367.
 5 Met. 162, 298,
 501, 594.
 7 Gray, 299.
 122 Mass. 595,
 597.
 124 Mass. 596.
 For educational
 qualification,
 see amend-
 ments, Art. XX.
 For provision as
 to those who
 have served in
 the army or
 navy in time of
 war, see amend-
 ments, Art.
 XXVIII.

Notaries public,
 how appointed
 and removed.

Vacancies in the
 offices of secre-
 tary and treas-
 urer, how filled.
 This clause
 superseded by
 amendments,
 Art. XVII.

Commissary-
 general may be
 appointed, in
 case, etc.

Militia officers,
 how removed.

Who may vote
 for captains and
 subalterns.

Oath to be taken
 by all officers.
 See Const.,
 Ch. VI. Art. I.

he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such elections.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

“I A. B. do solemnly swear, that I will bear true faith

and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, GOD."

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Proviso. Quakers may affirm.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Tests abolished.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer, and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

*Incompatibility of offices.
122 Mass. 445,
600.
123 Mass. 535.*

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the

Amendments to constitution, how made.

senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

Commencement
of political year,

and termination.

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.
This clause
superseded by
amendments,
Art. XV.

Article, when to
go into opera-
tion.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who

are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Inconsistent provisions annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

Religious freedom established. See Dec. of Rights, Art. III.

“As the public worship of GOD and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by

amendments,
Art. XXI.
Representa-
tives, how
apportioned.

one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls in addition to the first three hundred, one representative more.

Towns having
less than 300
ratable polls,
how represent-
ed

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Fractions, how
represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Towns may
unite into repre-
sentative dis-
tricts.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

The governor
and council to
determine the
number of rep-
resentatives to
which each
town is entitled.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the

New apportion-
ment to be made
once in every
ten years.

number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Inconsistent provisions annulled.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

122 Mass. 595.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

Provisions as to census superseded by amendments, Arts. XXI. and XXII.

Senatorial districts declared permanent.

Provisions as to senators superseded by amendments, Art. XXII.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

House of representatives, how apportioned.

Provisions as to representatives superseded by amendments, Art. XXI.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Small towns, how represented.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every

Towns may unite into representative districts.

tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Basis of representation, and ratio of increase.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

The governor and council to apportion the number of representatives of each town once in every ten years.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Freehold as a qualification for a seat in general court or council not required.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Elections by the people to be by plurality of votes.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Time of annual election of governor and legislature.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall

be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first

Eight councillors to be chosen by the people, 122 Mass. 595, 598.

Legislature to district state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, XXV.

Organization of the government.

Wednesday in January, to be by them examined ; and in case of the election of either of said officers, the choice shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Election of
secretary, treasurer,
auditor,
and attorney-
general by the
people.

Vacancies, how
filled.

To qualify with-
in ten days,
otherwise office
to be deemed
vacant.

Qualification
requisite.

School moneys
not to be ap-
plied for secta-

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and

all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained

rian schools.
For original provision as to schools, see constitution, Part First, Art. III.
12 Allen, 500, 508.
103 Mass. 94, 96.

Legislature to prescribe for the election of sheriffs, registers of probate, etc., by the people.
8 Gray, 1.
13 Gray, 74.
110 Mass. 172, 173.
117 Mass. 602, 603.
121 Mass. 65.
Reading constitution in English and writing, necessary qualifications of voters.
Proviso.
For other qualifications, see amendments, Art. III.
See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

Census of legal voters and of inhabitants, when taken, etc.
See P. S. c. 31.

House of representatives to consist of 240 members.
Legislature to apportion, etc.
10 Gray, 613.

Secretary shall
certify to officers
authorized to
divide counties.

Meeting for
division to be
first Tuesday
in August.
Proceedings.

Qualifications of
representatives.
122 Mass. 595,
598.

Districts to be
numbered,
described and
certified.

One hundred
members a
quorum.

by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Census, etc.
See P. S. c. 31.

Voters to be
basis of appor-
tionment of
senators.

Senate to consist
of forty mem-
bers.

Senatorial
districts, etc.

See amend-
ments, Art.
XXIV.

Qualifications
of senators.

Sixteen mem-
bers a quorum.

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Residence of
two years re-
quired of natu-
ralized citizens,
to entitle to suf-
frage or make
eligible to office.
This article
annulled by
Art. XXVI.

ART. XXIV. Any vacancy in the senate shall be filled

Vacancies in the
senate.

by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

Vacancies in the council.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Twenty-third article of amendments annulled.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Officers of Harvard College may be elected members of general court.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Persons having served in the U. S. army or navy, etc., not to be disqualified from voting, etc.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

CONSTITUTION OF MASSACHUSETTS.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1883.

1

 The General Court of 1883 assembled on Wednesday, the third day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency BENJAMIN F. BUTLER and His Honor OLIVER AMES on Thursday, the fourth day of January, in the presence of the two Houses assembled in convention.

ACTS AND RESOLVES.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE
GOVERNMENT FOR THE PRESENT YEAR.

Chap. 1

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same, as
follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and eighty-three, to wit : —

Appropriations.

LEGISLATIVE DEPARTMENT.

For the salaries of the clerks of the senate and house of representatives, two thousand five hundred dollars each.

Clerks of senate and house.

For the salaries of the assistant clerks of the senate and house of representatives, twelve hundred dollars each.

Assistant clerks.

For the salary of the sergeant-at-arms, two thousand five hundred dollars.

Sergeant-at-arms.

For the salary of the engineer at the state house, one thousand four hundred dollars.

Engineer.

For the salary of the watchman at the state house, eight hundred dollars.

Watchman.

For the salaries of the four messengers to the sergeant-at-arms, known as "sergeant-at-arms' messengers," eleven hundred dollars each.

Messengers.

For the salaries of the fireman at the state house, and fireman and janitor at number thirty-three Pemberton square, nine hundred dollars each.

Firemen and janitor.

For the salary of the assistant fireman at the state house, two dollars and one-half per diem for each day employed.

Assistant fireman.

EXECUTIVE DEPARTMENT.

- Lieutenant-governor and council. For the compensation of the lieutenant-governor, two thousand dollars, and for the executive council six thousand four hundred dollars. For the travelling expenses of said council, a sum not exceeding five hundred dollars.
- Private secretary. For the salary of the private secretary of the governor, one thousand five hundred dollars.
- Executive clerk. For the salary of the executive clerk of the governor and council, one thousand two hundred dollars.
- Messenger. For the salary of the messenger of the governor and council, eight hundred dollars.

SECRETARY'S DEPARTMENT.

- Secretary. For the salary of the secretary of the Commonwealth, two thousand five hundred dollars.
- First clerk. For the salary of the first clerk in the secretary's department, one thousand eight hundred dollars.
- Second clerk. For the salary of the second clerk in the secretary's department, one thousand five hundred dollars.
- Third clerk. For the salary of the third clerk in the secretary's department, one thousand two hundred dollars.
- Messenger and clerks. For a messenger, and such additional clerical assistance as the secretary may find necessary, a sum not exceeding ten thousand dollars.

TREASURER'S DEPARTMENT.

- Treasurer. For the salary of the treasurer and receiver-general, four thousand dollars.
- First clerk. For the salary of the first clerk in the treasurer's department, two thousand three hundred dollars.
- Second clerk. For the salary of the second clerk in the treasurer's department, one thousand eight hundred dollars.
- Cashier. For the salary of the cashier in the treasurer's department, one thousand eight hundred dollars.
- Extra clerks. For the salaries of the three extra clerks in the treasurer's department, one thousand two hundred dollars each; and for such additional clerical assistance as the treasurer may need, a sum not exceeding three hundred dollars.

TAX COMMISSIONER'S BUREAU.

- Deputy tax commissioner. For the salary of the deputy tax commissioner, two thousand seven hundred and fifty dollars.

For the salary of the first clerk of the tax commissioner, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk of the tax commissioner, one thousand three hundred dollars. Second clerk.

For such additional clerical assistance as the tax commissioner and commissioner of corporations may find necessary, a sum not exceeding twelve thousand dollars. Additional clerks.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, two thousand five hundred dollars. Auditor.

For the salary of the first clerk in the auditor's department, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk in the auditor's department, one thousand five hundred dollars. Second clerk.

For the salaries of the two extra clerks in the auditor's department, one thousand two hundred dollars each; and for such additional clerical assistance as the auditor may find necessary, a sum not exceeding five hundred dollars. Extra clerks.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, four thousand dollars. Attorney-general.

For the salary of the assistant attorney-general, two thousand dollars. Assistant attorney-general.

COMMISSIONERS ET AL.

For the salaries of the commissioners on savings banks, five thousand six hundred dollars. Commissioners of savings banks.

For the salary of the first clerk of the commissioners on savings banks, one thousand three hundred dollars; for the salary of the extra clerk of said commissioners, seven hundred dollars. Clerks.

For the salary of the insurance commissioner, three thousand dollars. Insurance commissioner.

For the salary of the deputy insurance commissioner, two thousand five hundred dollars. Deputy.

For the salary of the first clerk of the insurance commissioner, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk of the insurance commissioner, one thousand five hundred dollars. Second clerk.

For the salary of one extra clerk of the insurance commissioner, one thousand dollars. Extra clerk.

Additional clerks.

For such additional clerical assistance as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding seven thousand dollars.

Inspectors of gas meters.

For the salary of the inspector of gas meters, two thousand dollars; and for the salary of the assistant inspector of gas meters, one thousand two hundred dollars.

Secretary of commissioners of prisons.

For the salary of the secretary of the commissioners of prisons, two thousand dollars.

Clerk.

For the salary of the clerk of the commissioners of prisons, seven hundred dollars.

Railroad commissioners.

For the salaries of the railroad commissioners, eleven thousand dollars.

Clerk.

For the salary of the clerk of the railroad commissioners, two thousand dollars.

Accountant.

For the salary of the accountant of the railroad commissioners, two thousand dollars.

Assayer and inspector of liquor.

For the salary of the assayer and inspector of liquor, five hundred dollars.

Bureau of statistics of labor.

For the salary of the chief of the bureau of statistics of labor, two thousand five hundred dollars.

First clerk.

For the salary of the first clerk in the bureau of statistics of labor, one thousand five hundred dollars.

Additional clerks, etc.

For such additional clerical assistance, and for the necessary expenses of the bureau of statistics of labor, a sum not exceeding five thousand dollars.

Commissioners on state aid.

For the salary and expenses of the commissioners on state aid, a sum not exceeding four thousand dollars.

Harbor and land commissioners.

For the salaries of the harbor and land commissioners, five thousand five hundred dollars.

Engineer and experts.

For the salary of the engineer, and for services of experts authorized by the harbor and land commissioners, a sum not exceeding thirty-three hundred dollars.

Expenses.

For travel and other necessary expenses of the harbor and land commissioners, a sum not exceeding one thousand dollars.

Rent and incidental expenses.

For rent, incidental and contingent expenses of the harbor and land commissioners, a sum not exceeding two thousand two hundred dollars.

Commissioners on inland fisheries.

For compensation and expenses of the commissioners on inland fisheries, a sum not exceeding five thousand six hundred dollars.

AGRICULTURAL DEPARTMENT.

Secretary.

For the salary of the secretary of the board of agriculture, two thousand dollars.

For the salary of the clerk of the secretary of the board of agriculture, one thousand one hundred dollars. Clerk.

For other clerical assistance in the office of the secretary of the board of agriculture, and for lectures before the board, a sum not exceeding four hundred dollars. Lectures and additional clerks.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, two thousand nine hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes. Secretary of board of education.

For the salary of the assistant librarian and clerk of the board of education, two thousand dollars. Assistant librarian.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding two thousand dollars. Additional clerical assistance.

MILITARY DEPARTMENT.

For the salary of the adjutant-general, two thousand five hundred dollars. Adjutant-general.

For the salary of the first clerk in the adjutant-general's department, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk in the adjutant-general's department, one thousand six hundred dollars. Second clerk.

For the salary of an additional clerk in the adjutant-general's department, one thousand six hundred dollars. Additional clerk.

For the salaries of two extra clerks in the adjutant-general's department, one thousand two hundred dollars each. Extra clerks.

For the salary of the messenger in the adjutant-general's department, eight hundred dollars. Messenger.

For such additional clerical assistance as the adjutant-general may find necessary, and for compensation of employees at the state arsenal, a sum not exceeding five thousand five hundred dollars. Additional clerks.

For the salary of the surgeon-general, one thousand two hundred dollars. Surgeon-general.

MISCELLANEOUS.

For the purchase of books for the state library, three thousand three hundred dollars. Books for library.

SECTION 2. This act shall take effect upon its passage.

Approved January 29, 1883.

Chap. 2 AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to wit : —

Senators, compensation. For compensation of senators, twenty thousand five hundred dollars.

Representatives, compensation. For compensation of representatives, one hundred and twenty thousand five hundred dollars.

Senators, mileage. For mileage of senators, a sum not exceeding four hundred and fifty dollars.

Representatives, mileage. For mileage of representatives, a sum not exceeding two thousand five hundred dollars.

Preacher of election sermon. For compensation of the preacher of the election sermon, fifty dollars.

Chaplains. For compensation of the chaplains of the senate and house of representatives, three hundred dollars each.

Doorkeepers, messengers and pages. For compensation of the door-keepers, messengers, and pages of the senate and house of representatives, a sum not exceeding ten thousand dollars.

Witnesses before committees. For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding two hundred dollars.

Contingent expenses. For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding five thousand dollars.

Expenses of committees. For authorized expenses of committees of the present legislature, including clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 29, 1883.

Chap. 3 AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR"

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending December

thirty-first, in the year eighteen hundred and eighty-three ;
to wit : —

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court, S. J. C. Clerk.
three thousand dollars.

For the salary of the reporter of decisions of the Reporter.
supreme judicial court, three hundred dollars.

For expenses of the supreme judicial court, a sum not Expenses.
exceeding two thousand dollars.

For the salaries of the officers and messenger in attend- Officers and
ance upon the supreme judicial court, sixteen hundred messengers.
dollars.

SUPERIOR COURT.

For the salary of the chief justice of the superior court, Chief justice.
five thousand three hundred dollars.

For the salaries of the ten associate justices of the supe- Associate us-
rior court, fifty thousand dollars. tices.

COURTS OF PROBATE AND INSOLVENCY.

For the salary of the judge of probate and insolvency Judge —
for the county of Suffolk, four thousand dollars. Suffolk.

For the salary of the judge of probate and insolvency Middlesex.
for the county of Middlesex, three thousand dollars.

For the salary of the judge of probate and insolvency Worcester.
for the county of Worcester, twenty-five hundred dollars.

For the salary of the judge of probate and insolvency Essex.
for the county of Essex, twenty-five hundred dollars.

For the salary of the judge of probate and insolvency Norfolk.
for the county of Norfolk, two thousand dollars.

For the salary of the judge of probate and insolvency Bristol.
for the county of Bristol, eighteen hundred dollars.

For the salary of the judge of probate and insolvency Plymouth.
for the county of Plymouth, fifteen hundred dollars.

For the salary of the judge of probate and insolvency Berkshire.
for the county of Berkshire, twelve hundred dollars.

For the salary of the judge of probate and insolvency Hampden.
for the county of Hampden, two thousand dollars.

For the salary of the judge of probate and insolvency Hampshire.
for the county of Hampshire, fourteen hundred dollars.

For the salary of the judge of probate and insolvency Franklin.
for the county of Franklin, fourteen hundred dollars.

Barnstable.	For the salary of the judge of probate and insolvency for the county of Barnstable, one thousand dollars.
Nantucket.	For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.
Dukes County.	For the salary of the judge of probate and insolvency for the county of Dukes county, five hundred dollars.
Register — Suffolk.	For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.
Middlesex.	For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars.
Worcester.	For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars.
Essex.	For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars.
Norfolk.	For the salary of the register of probate and insolvency for the county of Norfolk, fifteen hundred dollars.
Bristol.	For the salary of the register of probate and insolvency for the county of Bristol, eighteen hundred dollars.
Plymouth.	For the salary of the register of probate and insolvency for the county of Plymouth, fifteen hundred dollars.
Hampden.	For the salary of the register of probate and insolvency for the county of Hampden, sixteen hundred dollars.
Berkshire.	For the salary of the register of probate and insolvency for the county of Berkshire, twelve hundred dollars.
Hampshire.	For the salary of the register of probate and insolvency for the county of Hampshire, fourteen hundred dollars.
Franklin.	For the salary of the register of probate and insolvency for the county of Franklin, fourteen hundred dollars.
Barnstable.	For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars.
Nantucket.	For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.
Dukes County.	For the salary of the register of probate and insolvency for the county of Dukes county, six hundred dollars.
Assistant register — Suffolk.	For the salary of the assistant register of probate and insolvency for the county of Suffolk, two thousand dollars.
Middlesex.	For the salary of the assistant register of probate and insolvency for the county of Middlesex, fifteen hundred dollars.
Worcester.	For the salary of the assistant register of probate and insolvency for the county of Worcester, fifteen hundred dollars.
Essex.	For the salary of the assistant register of probate and

insolvency for the county of Essex, fifteen hundred dollars.

For the salary of the assistant register of probate and insolvency for the county of Norfolk, eleven hundred dollars. Norfolk.

For the salary of the clerk for the register of probate and insolvency for the county of Suffolk, twelve hundred dollars. Clerk in Suffolk.

For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, a sum not exceeding seven thousand two hundred dollars. Extra clerks.

For expenses of the courts of probate and insolvency, a sum not exceeding two thousand dollars. Expenses.

DISTRICT ATTORNEYS.

For the salary of the district attorney for Suffolk district, four thousand five hundred dollars. District-attorney — Suffolk.

For the salaries of the first and second assistant district attorneys for Suffolk district, twenty-five hundred dollars each. Assistant district-attorneys.

For the salary of the clerk for the district attorney for the Suffolk district, one thousand dollars. Clerk.

For the salary of the district attorney for the northern district, twenty-four hundred dollars. District-attorney — Northern district.

For the salary of the district attorney for the eastern district, twenty-four hundred dollars. Eastern district.

For the salary of the district attorney for the south-eastern district, eighteen hundred dollars. South-eastern district.

For the salary of the district attorney for the southern district, eighteen hundred dollars. Southern district.

For the salary of the district attorney for the middle district, eighteen hundred dollars. Middle district.

For the salary of the district attorney for the western district, eighteen hundred dollars. Western district.

For the salary of the district attorney for the north-western district, thirteen hundred and fifty dollars. North-western district.

SECTION 2. This act shall take effect upon its passage.

Approved January 29, 1883.

AN ACT TO AMEND AN ACT TO REVISE THE CHARTER OF THE CITY OF NEWTON.

Chap. 4

Be it enacted etc., as follows :

SECTION 1. Section nine of chapter two hundred and ten of the acts of the year one thousand eight hundred and Charter amended.

eighty-two, defining certain powers of the mayor and aldermen of the city of Newton, is amended by striking out the words "the preceding" in the last line, and by adding the word "seven" after the word "section" in the same line.

SECTION 2. The act shall take effect upon its passage.

Approved February 5, 1883.

Chap. 5

AN ACT AUTHORIZING THE TOWN OF MEDFORD TO LAY WATER PIPES IN BOSTON AVENUE.

Be it enacted, etc., as follows :

Town of Medford may lay water pipes in Somerville, supply water, etc.

SECTION 1. The town of Medford may lay its water pipes in Boston Avenue in the city of Somerville, and may supply water in that portion of said Somerville which lies north of a line two hundred feet distant southerly from the south line of Boston Avenue, and parallel therewith, on the same terms and with the same rights as it may lay pipes and supply water within the limits of said town of Medford: *provided, however*, that said town shall at its own expense erect and maintain a hydrant at some suitable point upon the line of said avenue in said city of Somerville, from which said city shall have a right to take, free of expense, whatever water it may require for the extinguishment of fires or the watering of streets.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1883.

Chap. 6

AN ACT LEGALIZING THE ACTION OF THE TOWN OF HOLLISTON REGARDING THE PAYMENT OF A BOUNTY TO PETER McMANAMY.

Be it enacted, etc., as follows :

Action legalized, regarding payment of a bounty.

SECTION 1. The action of the town of Holliston authorizing the payment of a bounty to Peter McManamy, taken at a town meeting held March sixth eighteen hundred and eighty-two is confirmed and made valid: *provided*, that the said town shall not be re-imbursed by the Commonwealth for any money paid under the authority of this act.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1883.

Chap. 7

AN ACT CONCERNING THE BONDS OF RAILROAD CORPORATIONS.

Be it enacted, etc., as follows :

Bonds and notes issued without approval not to be invalid.

SECTION 1. No bond or note heretofore issued by any railroad corporation within this state for any lawful pur-

pose, shall be invalid by reason of not having been approved and certified by some person appointed by the corporation for that purpose, as provided in section sixty-two of chapter one hundred and twelve of the Public Statutes, or in section forty-nine of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, and the acts amending the same.

SECTION 2. Any railroad corporation that has heretofore issued any such bonds or notes without such approval and certificate, shall ratify, approve and confirm such bonds or notes within ninety days from the passage of this act, either at the annual meeting of the stockholders, or at a special meeting called for the purpose.

Bonds not approved etc., to be ratified within ninety days.

SECTION 3. This act shall take effect upon its passage.

Approved February 12, 1883.

AN ACT TO REVIVE "AN ACT TO INCORPORATE THE NEWTON MILLS," *Chap. 8*
AND TO CONFIRM THE DOINGS OF SAID CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and ninety-eight of the acts of the year eighteen hundred and fifty-three, entitled "An Act to incorporate the Newton Mills," is revived and continued in force; and the corporation heretofore known as the Newton Mills, and carrying on business in the city of Newton, is revived and continued in force with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in said act and in all general laws which now are or hereafter may be in force applicable to manufacturing corporations.

Charter revived.

SECTION 2. The organization of the Newton Mills, and all acts done thereunder or under that name, and all acts and doings depending thereon, which would have been legal and valid if the charter of said Newton Mills had been in existence, are ratified, confirmed and made valid, as if said corporation had not been dissolved by chapter three hundred and twenty-seven of the acts of the year eighteen hundred and seventy-three.

Organization and acts done thereunder, ratified.

SECTION 3. This act shall take effect upon its passage.

Approved February 13, 1883.

Chap. 9 AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES.

Be it enacted, etc., as follows :

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to wit : —
- Normal schools. For support of normal schools, a sum not exceeding sixty-one thousand three hundred and one dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.
- Normal art school. For support of the state normal art school, including rent, taxes, etc., a sum not exceeding fifteen thousand nine hundred and seventy-five dollars, to be paid from the unappropriated balance of the moiety of the income of the school fund applicable to educational purposes, and the excess, if any, from the treasury.
- Agents, salaries and expenses. For salaries and expenses of the agents of the board of education, a sum not exceeding eighty-one hundred dollars.
- Incidental expenses. For incidental expenses of the board of education, and for the secretary thereof, a sum not exceeding twelve hundred dollars.
- Teachers' institutes. For teachers' institutes, a sum not exceeding two thousand dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.
- County teachers' associations. For county teachers' associations, a sum not exceeding three hundred dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.
- Dukes county association. For Dukes county teachers' association, the sum of fifty dollars.
- Pupils in normal schools. For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual payments, to be expended under the direction of the board of education.
- Travelling expenses. For travelling and other necessary expenses of the board of education, a sum not exceeding four hundred dollars.
- Mass. teachers' association. For the Massachusetts teachers' association, the sum of three hundred dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes, subject to the approval of the board of education.

For the Perkins institution and the Massachusetts school for the blind, the sum of thirty thousand dollars.

School for the blind.

For contingent expenses of the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding eight hundred dollars.

State library.

For support of Massachusetts beneficiaries in asylums for the deaf and dumb, and in other institutions of the same character, a sum not exceeding forty thousand dollars.

Deaf and dumb.

The income of the Rogers book fund, of the Todd normal school fund, and of the two technical educational funds, shall be expended in accordance with the provisions of the various acts relating thereto.

Income of funds.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the ninth day of February, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT TO AUTHORIZE THE BOSTON AND COLORADO SMELTING COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 10

Be it enacted, etc., as follows :

SECTION 1. The Boston and Colorado Smelting Company, a corporation established under the general laws of this Commonwealth, is authorized to increase its capital stock to an amount not exceeding two million dollars.

May increase capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1883.

AN ACT ENABLING THE BOSTON PRODUCE EXCHANGE TO ASSIST THE WIDOWS, ORPHANS, OR OTHER RELATIVES OF, OR ANY PERSONS DEPENDENT UPON, ITS DECEASED MEMBERS.

Chap. 11

Be it enacted, etc., as follows :

SECTION 1. Chapter fifteen of the acts of the year eighteen hundred and seventy-seven, entitled "An Act to incorporate the Boston Produce Exchange," is amended by inserting after the word "vicinity," in the sixth line of the first section, the words "and of assisting the widows, orphans, or other relatives of deceased members, or any persons dependent upon deceased members, in such manner as said corporation may by its by-laws prescribe."

May assist widows, orphans, etc., of deceased members.

SECTION 2. The provisions of sections ten and eleven of chapter one hundred and fifteen of the Public Statutes shall apply to said corporation.

Returns to insurance commissioner.

SECTION 3. This act shall take effect upon its passage.

Approved February 15, 1883.

hap. 12 AN ACT ENABLING THE SPENCER WATER COMPANY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. Section five of chapter one hundred and nineteen of the acts of the year eighteen hundred and eighty-two is amended so as to read as follows:—The Spencer Water Company, for the purposes set forth in this act, may hold real and personal estate not exceeding in value the amount of its capital stock; and its whole capital stock shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1883.

Chap. 13 AN ACT ENABLING THE ROXBURY HOME FOR CHILDREN AND AGED WOMEN TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. Section two of chapter two hundred and forty of the acts of the year eighteen hundred and fifty-six, entitled “An Act to incorporate the Children’s Home and Home for Aged Females in Roxbury,” is repealed, and the following is substituted in place thereof: “Said corporation may take and hold real estate not exceeding the value of seventy-five thousand dollars, and personal estate not exceeding the value of seventy-five thousand dollars, for the aforesaid charitable purposes.”

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1883.

Chap. 14 AN ACT RELATIVE TO THE PENSIONING OF MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Disabled lieutenants of police may be retired with pensions.

Section five of chapter two hundred and forty-four of the acts of the year eighteen hundred and seventy-eight relative to the pensioning of members of the police department of the city of Boston, is amended by inserting after the word “captain” in the fourth line thereof, the word “lieutenant.”

Approved February 15, 1883.

Chap. 15 AN ACT AUTHORIZING THE PILGRIM SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

The Pilgrim Society, incorporated by an act approved January twenty-fourth, eighteen hundred and twenty, is

authorized to acquire and hold real and personal estate in Plymouth not exceeding the amount of three hundred thousand dollars for the purposes set forth in their charter, and for the creation and preservation of memorials of the Pilgrim Fathers: *provided*, that if any portion of such estate is leased for business purposes, it shall not be exempt from taxation.

Approved February 20, 1883.

AN ACT TO AUTHORIZE THE TOWN OF MARLBOROUGH TO ISSUE ADDITIONAL WATER BONDS, NOTES OR SCRIP, AND FOR OTHER PURPOSES.

Chap. 16

Be it enacted, etc., as follows:

SECTION 1. The town of Marlborough, in addition to the amount of notes, bonds or scrip authorized by chapter one hundred and ninety-one of the acts of the year eighteen hundred and eighty, may issue a further amount thereof, not exceeding the sum of seventy-five thousand dollars, in accordance with the provisions of the act herein referred to and for the purposes named therein.

May issue additional water bonds.

SECTION 2. Section six of said chapter one hundred and ninety-one is amended by striking out the words, "in April."

Amendment to 1880, 191, § 6.

SECTION 3. This act shall take effect upon its passage.

Approved February 20, 1883.

AN ACT TO AUTHORIZE THE CITY OF LYNN TO SUPPLY THE TOWN OF SWAMPSCOTT WITH WATER FOR FIRE PURPOSES.

Chap. 17

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn is authorized to furnish the town of Swampscott with a supply of water for the extinguishment of fires.

Lynn may supply Swampscott with water for fire purposes.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1883.

AN ACT AUTHORIZING THE NORWICH AND WORCESTER RAILROAD COMPANY TO PURCHASE AND HOLD STOCK IN ANY INCORPORATED COMPANY RUNNING STEAMBOATS IN CONNECTION WITH ITS RAILROAD TO NEW YORK CITY.

Chap. 18

Be it enacted, etc., as follows:

SECTION 1. The Norwich and Worcester Railroad Company, incorporated under chapter two hundred and four of the acts of the year eighteen hundred and thirty-six, may purchase or subscribe for and hold shares, to an amount not exceeding fifteen per cent. of its own authorized capital stock, in the capital stock of any incorporated company running steamboats in connection with its

May take stock in any incorporated company running steamboats in connection with its road to New York City.

railroad to the city of New York: *provided*, said railroad company at any legal meeting of its stockholders called for that purpose shall elect to do so by the vote of a majority of all the stock of said railroad.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1883.

Chap. 19 AN ACT TO CHANGE THE NAME OF "THE CONGREGATIONAL PUBLISHING SOCIETY OF BOSTON."

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of "The Congregational Publishing Society of Boston," originally incorporated under chapter twenty-nine of the acts of the year eighteen hundred and forty-one, is changed to that of "The Congregational Sunday School and Publishing Society."

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1883.

Chap. 20 AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE SOCIETY FOR THE RELIEF OF WIDOWS AND ORPHANS OF DECEASED CLERGYMEN OF THE PROTESTANT EPISCOPAL CHURCH TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The Society for the Relief of the Widows and Orphans of Deceased Clergymen of the Protestant Episcopal Church, incorporated under chapter twenty-one of the acts of the year eighteen hundred and forty-one, is authorized to hold real and personal estate to the amount of two hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1883.

Chap. 21 AN ACT RELATING TO THE LYNN AQUEDUCT COMPANY.

Be it enacted, etc., as follows:

May sell supply of water to any city or town in the Commonwealth.

SECTION 1. The Lynn Aqueduct Company, incorporated under chapter one hundred and thirty-two of the acts of the year eighteen hundred and sixty-five, is authorized in addition to the rights and powers heretofore granted to it to sell to the town of Nahant or to any other town or city in the Commonwealth a supply of fresh water.

Repeal.

SECTION 2. Section seven of chapter one hundred and thirty-two of the acts of the year eighteen hundred and sixty-five is repealed.

Approved February 21, 1883.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES. *Chap. 22*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified herein, to wit :—

Appropriations.

STATE BOARD OF HEALTH, LUNACY AND CHARITY.

For travelling and other necessary expenses of the board of health, lunacy and charity, twelve hundred dollars.

Expenses of board.

DEPARTMENT OF HEALTH.

For salary of the health officer in the department of health, twenty-five hundred dollars.

Health officer.

For such clerical assistance as the health officer may deem necessary in the department of health, a sum not exceeding one thousand dollars.

Clerical assistance.

For general work of the department of health, including chemical analyses, sanitary investigations and reports, and travelling expenses for inspections, a sum not exceeding twenty-five hundred dollars.

Expenses of department of health.

INSPECTOR OF CHARITIES.

For salary of the inspector of charities, twenty-five hundred dollars.

Inspector.

For such clerical assistance as the inspector of charities may deem necessary, a sum not exceeding forty-five hundred dollars.

Clerical assistance.

For incidental and contingent expenses in the department of the inspector of charities, including expenses incurred in visiting and inspecting public institutions, a sum not exceeding one thousand dollars.

Incidental and contingent expenses.

SUPERINTENDENT OF IN-DOOR POOR.

For salary of the superintendent of in-door poor, twenty-five hundred dollars.

Superintendent of in-door poor.

For salary of the assistant superintendent of in-door poor, fifteen hundred dollars.

Assistant superintendent.

For salary of the assistant in the bureau of visitation, fifteen hundred dollars.

Bureau of visitation.

For such additional clerical assistance, including services

Clerical assistance.

of visitors, as the superintendent of in-door poor, with the approval of the board of health, lunacy and charity, may deem necessary, a sum not exceeding twelve thousand five hundred dollars.

Travelling and
contingent
expenses.

For travelling, incidental and contingent expenses of the superintendent of in-door poor, a sum not exceeding six thousand dollars.

SUPERINTENDENT OF OUT-DOOR POOR.

Superintendent
of out-door
poor.

For salary of the superintendent of out-door poor, twenty-five hundred dollars.

Clerk.

For salary of the clerk of the superintendent of out-door poor, fifteen hundred dollars.

Additional cler-
ical assistance.

For such other clerical assistance, including visitors, as the superintendent of out-door poor, with the approval of the board of health, lunacy and charity, may deem necessary, a sum not exceeding ten thousand two hundred dollars.

Incidental and
contingent
expenses.

For travelling, incidental and contingent expenses of the superintendent of out-door poor, a sum not exceeding twenty-eight hundred dollars.

MISCELLANEOUS CHARITABLE.

State paupers in
lunatic hospi-
tals.

For support and relief of state paupers in the lunatic hospitals and asylums of the Commonwealth, a sum not exceeding one hundred and eighteen thousand dollars.

Transportation
to almshouse.

For transportation of state paupers to the state almshouse, six hundred dollars.

Transportation
of state pau-
pers.

For transportation of state paupers, a sum not exceeding twelve thousand dollars.

Indigent and
neglected chil-
dren.

For care and maintenance of indigent and neglected children, a sum not exceeding five thousand dollars.

Cases of settle-
ment and bas-
tardy.

For expenses attending the management of cases of settlement and bastardy, a sum not exceeding two thousand dollars.

Infant asylum.

For re-imbursement of the Massachusetts infant asylum for the support of infants having no known settlement in the Commonwealth, a sum not exceeding thirteen thousand dollars.

Support of state
paupers by
cities and
towns.

For support of state paupers by cities and towns, a sum not exceeding twenty-seven thousand dollars, which amount is made applicable for the payment of claims for the present and previous years.

For burial of state paupers by cities and towns, for the present and previous years, a sum not exceeding seven thousand dollars.

Burial.

For temporary support of state paupers by cities and towns, for the present and previous years, a sum not exceeding sixteen thousand dollars, and if at any time it shall be found necessary, a sum not exceeding one thousand dollars may be advanced on account of the support and transportation of outside foundlings and other state paupers: *provided*, a detailed report of such expenditures shall be rendered to the auditor of accounts whenever required.

Temporary support by cities and towns.

Report of expenditures to be made to the auditor.

For support and transportation of outside foundlings, a sum not exceeding nine thousand dollars.

Outside foundlings.

For expenses in connection with small-pox and other diseases dangerous to the public health, a sum not exceeding five thousand dollars.

Dangerous diseases.

For support of Indian state paupers, a sum not exceeding one hundred dollars.

Indian paupers.

For the Massachusetts school for idiotic and feeble-minded youth, seventeen thousand five hundred dollars.

Idiotic and feeble-minded youth.

For payment of expenses incurred in connection with the act relating to the adulteration of food and drugs, three thousand dollars.

Adulteration of food and drugs.

For travelling and necessary expenses of the auxiliary visitors of the board of health, lunacy and charity, a sum not exceeding sixteen hundred dollars.

Auxiliary visitors.

For annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding thirteen hundred dollars.

Johonnot annuities.

For other annuities authorized by the legislature, a sum not exceeding twenty-two hundred and ninety-seven dollars.

Annuities.

For pensions, a sum not exceeding five hundred and twenty dollars.

Pensions.

For expenses incurred in connection with medical examinations and inquests, a sum not exceeding three thousand five hundred dollars.

Medical examinations and inquests.

The sum of two thousand dollars may be expended by the board of health, lunacy and charity in giving temporary assistance to persons, in extraordinary cases of suffering, where the provisions made by existing laws are, in their judgment, deemed insufficient.

Temporary assistance.

GRATUITIES.

Gratuity to town of Westfield.

For a gratuity payable to the town of Westfield, authorized by the legislature, the sum of five thousand dollars. .

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twentieth day of February, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him, with his objections, within that time.*]

Chap. 23

AN ACT IN FURTHER ADDITION TO "AN ACT-MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR."

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated for the purposes specified, to be paid from the ordinary revenue, unless otherwise ordered, out of the treasury of the Commonwealth, to meet the current expenses of the year ending on the thirty-first day of December, eighteen hundred and eighty-three, to wit : —

Printing and binding ordered by legislature.

For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding twenty thousand dollars.

Senate stationery.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding nine hundred dollars.

House stationery.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding sixteen hundred dollars.

Sergeant-at-arms, stationery.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding eight hundred dollars.

Incidental and contingent expenses.

For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars.

Council, printing and stationery.

For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars.

Governor and council, contingent expenses.

For contingent expenses of the governor and council, a sum not exceeding fifteen hundred dollars.

Executive department, contingent expenses.

For contingent expenses of the executive department, the sum of three thousand dollars.

Postage, printing and stationery.

For postage, printing and stationery of the executive department, a sum not exceeding eight hundred dollars.

STATE HOUSE EXPENSES.

For fuel and lights for the state house, a sum not exceeding four thousand dollars. State house fuel and lights.

For repairs, improvements and furniture of the state house, a sum not exceeding five thousand dollars. Repairs and furniture.

For rent, taxes and other expenses connected with house numbered thirty-three Pemberton square, a sum not exceeding ten thousand dollars. Expenses No. 33 Pemberton Square.

INCIDENTAL AND CONTINGENT EXPENSES.

For incidental expenses of the secretary's department, a sum not exceeding three thousand dollars. Incidental expenses — Secretary.

For incidental expenses of the treasurer's department, a sum not exceeding sixteen hundred dollars. Treasurer.

For incidental and contingent expenses of the tax commissioner's department, a sum not exceeding thirty-three hundred and fifty dollars. Tax commissioner.

For incidental expenses of the commissioner of corporations, a sum not exceeding four hundred dollars. Commissioner of corporations.

For incidental expenses of the auditor's department, a sum not exceeding seven hundred dollars. Auditor.

For incidental expenses of the insurance commissioner's department, a sum not exceeding three thousand dollars. Insurance commissioner.

For compensation of experts, or other agents, for rent of office and for incidental and contingent expenses of the railroad commissioners, a sum not exceeding twenty-seven hundred and eighty-five dollars. Railroad commissioners.

For travelling and incidental expenses of the commissioners on savings banks, the same to include expenses incurred in auditing the accounts of county officers, a sum not exceeding fifteen hundred dollars. Commissioners on savings banks.

For contingent expenses of the surgeon-general, a sum not exceeding five hundred dollars. Surgeon-general.

For incidental expenses of the attorney-general's department, a sum not exceeding fifteen hundred dollars; and for expenses of civil actions, a sum not exceeding three hundred dollars. Attorney-general.

For travelling expenses of the inspector and assistant inspector of gas meters, a sum not exceeding six hundred dollars; and for furnishing such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred dollars. Inspectors of gas-meters.

MILITARY DEPARTMENT.

Adjutant-general.	For incidental expenses of the adjutant-general's office, a sum not exceeding three thousand dollars.
Military duty.	For compensation of officers and men of the volunteer militia, a sum not exceeding seventy thousand dollars.
Transportation.	For transportation of officers and men of the volunteer militia while on military duty, a sum not exceeding thirteen thousand dollars.
Head-quarters and armories.	For rent of brigade and battalion headquarters, and company armories, a sum not exceeding thirty-one thousand dollars.
Quartermaster-general.	For expenses of the bureau of the quartermaster-general, a sum not exceeding five thousand dollars.
Quartermasters' supplies.	For quartermaster's supplies, a sum not exceeding ten thousand dollars.
Grading camp-ground.	For grading the camp-ground of the state at Framingham, a sum not exceeding five hundred dollars.
Military accounts.	For military accounts in connection with the volunteer militia, not otherwise provided for, a sum not exceeding four thousand dollars.
Medical supplies.	For medical supplies for the use of the volunteer militia, a sum not exceeding five hundred dollars.
Soldiers' bounties.	For payment of bounties due to Massachusetts volunteers, a sum not exceeding one thousand dollars.
Sailors and marines.	For expenses in connection with the record of Massachusetts officers, sailors and marines, a sum not exceeding five hundred dollars.
Proceeds of sales to be applied to purchase of military supplies.	Any sums of money received under the provisions of section eighty-eight of chapter fourteen of the Public Statutes, and from the sale of grass at the state camp-ground, may be expended by the quartermaster-general, under the direction of the governor and council, for the purchase of other military supplies, and for the care and improvement of said grounds.
Re-imbursement for state and military aid.	For re-imbursement of cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding four hundred and fifteen thousand dollars; the same to be payable on or before the first day of December of the present year.

AGRICULTURAL.

Bounties to societies.	For bounties to agricultural societies, a sum not exceeding seventeen thousand dollars.
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For travelling and necessary expenses of members of the board of agriculture, a sum not exceeding fifteen hundred dollars.

Expenses of board.

For travelling and other necessary expenses of the secretary of the board of agriculture, a sum not exceeding five hundred dollars.

Expenses of secretary.

For incidental expenses of the board of agriculture, a sum not exceeding five hundred dollars.

Incidental expenses.

For maintaining an agricultural experiment station at the Massachusetts agricultural college, in the town of Amherst, the sum of five thousand dollars.

Experiment station.

The fees under section twelve of chapter sixty of the Public Statutes, are hereby appropriated, to be used in accordance with the provisions of said section.

Commercial fertilizers.

PRINTING, BINDING, ETC.

For printing and binding the public series of documents, under the direction of the secretary of the Commonwealth, a sum not exceeding thirty-five thousand dollars.

Printing and binding public documents.

For printing the pamphlet edition of the acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding thirty-three hundred dollars.

Pamphlet edition of acts and resolves.

For printing and binding the "blue book" edition of the acts and resolves of the present year, with the governor's message, and other matters, in the usual form, a sum not exceeding three thousand dollars.

"Blue Book" edition.

For newspaper publication of the general laws and all information intended for the public, a sum not exceeding five hundred dollars.

Newspaper publication.

For assessors' books and registration blanks, a sum not exceeding eighteen hundred dollars.

Assessors' books and blanks.

For preparation for publication and for the publication of the provincial statutes, a sum not exceeding five thousand and seventy-eight dollars; and for printing volume five province laws, a sum not exceeding three thousand dollars.

Provincial statutes.

For term reports, a sum not exceeding sixteen hundred dollars.

Term reports.

For editing the registration report, a sum not exceeding five hundred dollars.

Registration report.

For the purchase of paper for the Commonwealth, under the direction of the secretary of the Commonwealth, a sum not exceeding ten thousand dollars.

Paper for the Commonwealth.

Tables and indexes of the statutes.

For the preparation of tables and indexes relating to the statutes of the present year and subsequent years, under the direction of the governor, a sum not exceeding three hundred dollars.

MISCELLANEOUS.

Roads in Mashpee.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and eighty-two, three hundred dollars.

Sheriffs.

To the sheriffs of the different counties, for distributing proclamations, blanks, and making return of votes, a sum not exceeding five hundred dollars.

Weights and measures.

For weights, measures, balances, and reports for sundry newly incorporated towns, a sum not exceeding eight hundred dollars.

State and military aid.

For postage, printing and other necessary expenses in carrying out the provisions of the state and military aid laws, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.
Approved February 27, 1883.

Chap. 24 AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-TWO.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified herein, to wit : —

Secretary's expenses.

For incidental expenses of the secretary's department, seven hundred and sixty-one dollars and fifty-nine cents.

Board of agriculture.

For travelling expenses of the members of the board of agriculture, and for lectures, four hundred and seventy-nine dollars and three cents.

Militia transportation.

For militia transportation, six hundred and seventy-five dollars and forty-nine cents.

Militia bounty.

For militia bounty, nineteen hundred and sixty-six dollars and sixty-seven cents.

Reservoir at state prison.

For expenses in connection with building a reservoir at the state prison at Concord, four hundred and one dollars and thirty cents.

Industrial school for girls.

For payment of salaries at the state industrial school for girls, twelve dollars and eighty-four cents ; and for

other expenses at said institution, two hundred and twenty-seven dollars and twenty-four cents.

For current expenses at the state primary school at Monson, twelve hundred and eighty-two dollars and sixty cents.

State primary school.

For expenses in connection with building a reservoir at the state primary school at Monson, three hundred and seventy-three dollars and eight cents.

Reservoir at Monson.

For salaries in connection with the preparation for publication, and for the publication of the provincial laws, thirty-three dollars and thirty-eight cents; and for printing volume four of the provincial laws, eighteen hundred and sixty-three dollars and seventy-one cents.

Provincial laws.

For expenses in connection with the extra repairs and improvements, and for furniture at the state house, five thousand three hundred and twenty dollars and eighty-five cents.

Repairs and furniture at state house.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1883.

AN ACT PROVIDING THAT THE MAYOR OF THE CITY OF SPRINGFIELD SHALL BE EX OFFICIO A MEMBER AND CHAIRMAN OF THE SCHOOL COMMITTEE.

Chap. 25

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Springfield shall be *ex officio* a member and chairman of the school committee of said city.

Mayor to be member and chairman of school committee.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1883.

AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF THE CITY OF WORCESTER.

Chap. 26

Be it enacted, etc., as follows:

SECTION 1. Section twelve of chapter one hundred and ninety-nine of the acts of the year eighteen hundred and sixty-six, relating to the salary of the mayor of the city of Worcester, is amended by striking out in the twenty-second line the word "fifteen," and inserting in place thereof the word "twenty-five."

Salary of the mayor.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1883.

Chap. 27 AN ACT TO PROVIDE FOR ESTABLISHING THE TERM OF OFFICE OF OFFICERS AND MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF LYNN.

Be it enacted, etc., as follows:

Term of office of members of fire department.

SECTION 1. The city of Lynn is authorized to fix and establish, by ordinance, the length of the term for which the officers and members of its fire department shall hold office.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1883.

Chap. 28 AN ACT PROVIDING FOR THE REMOVAL OF THE REMAINS OF THE DEAD IN THE WHITINSVILLE BURYING GROUND TO PINE GROVE CEMETERY.

Be it enacted, etc., as follows:

Remains of the dead may be removed.

SECTION 1. The Pine Grove Cemetery Association, a corporation organized under the general laws in the year eighteen hundred and seventy-eight, is authorized to remove the remains of the dead buried in the Whitinsville Burying Ground, situated on Railroad Avenue in the village of Whitinsville in Northbridge, to Pine Grove Cemetery in said Northbridge under the following conditions:

Removals under supervision of selectmen.

1. The removals shall be made under the supervision and direction of the selectmen of said Northbridge.

Removals may be made by friends, etc.

2. Persons having friends and relatives buried in said Whitinsville Burying Ground may, at their own expense, provide and prepare suitable lots for burial in said Pine Grove Cemetery, and make the necessary removals under the above supervision.

Place of burial by corporation.

3. Where no such provision is made by such persons, said corporation shall select and provide the places of burial.

Headstones to be reset.

4. All monuments and headstones shall be carefully removed and reset when others are not provided, and the utmost pains shall be taken to avoid mistakes.

Headstones furnished by corporation.

5. Plain and uniform headstones shall be furnished by the corporation for unmarked graves, suitably inscribed as far as the necessary facts are attainable, and marked "unknown" if there be no identification.

Plan of grounds.

6. A plan of the grounds, showing the places of second interment, shall be made and placed in the hands of the treasurer of said corporation for future reference.

Time to be fixed by selectmen for removal of remains.

7. The selectmen of said Northbridge shall fix the time for removing said remains, and said corporation shall give notice thereof, by posting notices in three public places

in said Northbridge, thirty days, at least, before the time fixed for said removal, and by publishing said notice three weeks successively in one weekly and one daily newspaper, printed in said county, the last publication to be ten days, at least, before the time fixed for said removal; and also by mailing a copy of said notice to the friends or next of kin whose residence is known.

SECTION 2. This act shall take effect on the first day of July, in the year of our Lord eighteen hundred and eighty-three.

Approved March 3, 1883.

To take effect
July 1, 1883.

AN ACT RELATING TO THE MANNER OF ISSUING LICENSES TO MANUFACTURERS OR IMPORTERS OF COMMERCIAL FERTILIZERS.

Be it enacted, etc., as follows:

Section seventeen of chapter sixty of the Public Statutes, relating to the manner of issuing licenses to manufacturers or importers of commercial fertilizers, is repealed.

Approved March 3, 1883.

Chap. 29

Repeal of P. S.
60, § 17.

AN ACT TO AUTHORIZE THE PURCHASE OF BOOKS FOR A PRISON LIBRARY FOR THE HOUSE OF CORRECTION AT CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The sheriff of the county of Middlesex is authorized to expend a sum not exceeding three hundred dollars for the purchase of books for a library for the jail and house of correction at Cambridge in said county, and the sum so expended shall be allowed and paid from the treasury of said county in the same manner as other prison expenses are paid.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1883.

Chap. 30

Books for the
jail and house
of correction at
Cambridge.

AN ACT RELATIVE TO FISHING IN THE MERRIMACK RIVER.

Be it enacted, etc., as follows:

For the purpose of taking fish called "shiners" for bait, any person may draw a net or seine during the months of November and December at any point in the Merrimack River, except within four hundred yards of any fishway: *provided*, that all other fish so caught are immediately returned to the waters from which they were taken; and the penalties provided for in sections thirty-six, thirty-seven, thirty-eight and thirty-nine of chapter ninety-one of the Public Statutes shall not apply to the taking of fish as herein provided.

Approved March 6, 1883.

Chap. 31

"Shiners" may
be taken for bait
in November
and December.

Chap. 32

AN ACT IN RELATION TO RAILROAD FARES.

Be it enacted, etc., as follows :

Extra fare paid
on train not to
exceed ten
cents.

SECTION 1. No railroad corporation shall demand or receive for any single ticket or passage on any train, by reason of such ticket being bought or such fare being paid on a train, or elsewhere than at its ticket offices, more than ten cents in excess of the tariff rates charged at its ticket offices.

— to be repaid
at any station, if
demanded with-
in ten days.

SECTION 2. When any excess is received as above for a fare or passage, the conductor or other person receiving it shall give to the passenger a printed certificate authorizing him to receive the sum so paid in excess at any station of the corporation, in exchange for said certificate, provided such certificate is presented within ten days from the time it is accepted by the passenger.

Penalty.

SECTION 3. Any corporation violating any provision of this act shall be liable to a penalty of not less than ten and not more than fifty dollars.

*Approved March 8, 1883.**Chap. 33*

AN ACT RELATING TO RE-INSURANCE AND THE RISKS AND RETURNS OF INSURANCE COMPANIES, AND THE BOOKS OF INSOLVENT INSURANCE COMPANIES.

Be it enacted, etc., as follows :

Re-insurance
not to be effect-
ed in any com-
pany not au-
thorized to in-
sure in this
state.

SECTION 1. No foreign or other insurance company, association, partnership, firm or individual authorized to transact the business of insurance in this Commonwealth shall, directly or indirectly, contract for or effect any re-insurance of any risk taken by it on property in this Commonwealth, with any insurance company, association, partnership, firm or individual not authorized to transact the business of insurance in this Commonwealth in accordance with the laws thereof.

Risks in any
one town, etc.,
not to exceed
net assets avail-
able for pay-
ment of losses
in the state.

SECTION 2. No company or association transacting the business of fire insurance in this Commonwealth shall take or have at risk on property other than dwelling houses, farm buildings, and the contents of such houses and buildings in any one town or fire insurance district of a city or town, an amount exceeding its net assets available for the payment of losses in the Commonwealth.

Blanks for re-
turns to be fur-
nished by insur-
ance commis-
sioner.

SECTION 3. The insurance commissioner of the Commonwealth shall furnish insurance companies or associations, annually, in the month of December, the necessary blanks required for the returns to be made by them.

SECTION 4. Insurance companies organized under the laws of this Commonwealth, having a capital stock of three hundred thousand dollars or more, with authority to transact both fire and marine insurance in accordance with said laws, are hereby authorized to insure against the perils of tempests on land, and shall make the same returns of business transacted and premiums received as are now required from fire insurance companies.

Insurance against perils of tempests on land, by certain companies having capital stock of \$300,000.

SECTION 5. Receivers of insolvent insurance companies shall, at the end of one year after final settlement ordered by the court, deposit with the insurance commissioner all books and papers of such insolvent insurance companies, including those relating to their receiverships; and said insurance commissioner shall receive and hold the same in some proper repository in his department.

Receivers to deposit with insurance commissioner, books, papers, etc., of insolvent companies.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.

Approved March 8, 1883.

AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF THE CITY OF
NEW BEDFORD.

Chap. 34

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of New Bedford shall receive not less than eight hundred dollars nor more than two thousand dollars per annum in full for all services; and the amount of his compensation shall not be increased nor diminished during the term for which he shall have been elected. The city council shall annually in the month of April fix the amount of the salary of the mayor, by concurrent vote, for the next municipal year.

Salary of the mayor.

SECTION 2. This act shall take effect when accepted by the city council of the city of New Bedford, provided the same is accepted on or before the last Thursday of April in the year eighteen hundred and eighty-three.

To take effect, if accepted on or before the last Thursday of April, 1883.

Approved March 8, 1883.

AN ACT TO EXTEND THE CHARTER OF THE SOMERVILLE HORSE
RAILROAD COMPANY.

Chap. 35

Be it enacted, etc., as follows:

So much of section fifteen of chapter four hundred and thirty-four of the acts of the year eighteen hundred and fifty-four, and of chapter two hundred and fifty of the acts of the year eighteen hundred and fifty-seven, as

Charter extended without limitation of time.

limits the existence of the Somerville Horse Railroad Company to fifty years is repealed.

Approved March 9, 1883.

Chap. 36 AN ACT IN RELATION TO THE TAKING AND KILLING OF CERTAIN
UNDOMESTICATED BIRDS.

Be it enacted, etc., as follows:

English sparrows may be taken or killed.

Section six of chapter ninety-two of the Public Statutes, relating to the taking and killing of undomesticated birds, is hereby amended by inserting the words "English sparrows" after the word "blackbirds" both in the third and sixth lines thereof, and also by inserting the words "the mayor of the city or the selectmen of the town where he resides, and from" after the word "from," at the end of the eighth line of said section. *Approved March 9, 1883.*

Chap. 37 AN ACT AUTHORIZING THE CAMBRIDGE RAILROAD COMPANY TO ISSUE
MORTGAGE BONDS.

Be it enacted, etc., as follows:

May issue bonds, and mortgage franchise and property to secure payment.

SECTION 1. The Cambridge Railroad Company may, by the vote of a majority in interest of its stockholders, at a meeting called for the purpose, issue coupon or registered bonds to an amount not exceeding one million dollars, for a term not exceeding twenty years from the date thereof; and to secure payment thereof, with interest thereon, the said company may make a mortgage of its road and franchise and any part or all of its other property, and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise in due course of business dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided, that an equivalent in value be substituted in lieu thereof.

Mortgaged property may be sold if equivalent in value is substituted.

Bonds to be approved by some person appointed by corporation.

SECTION 2. All bonds so issued shall first be approved by some person appointed by the corporation for that purpose who shall certify upon each bond that it is properly issued and recorded.

SECTION 3. This act shall take effect upon its passage.

Approved March 9, 1883.

Chap. 38 AN ACT TO AUTHORIZE CHARLES C. HINE TO CONSTRUCT A CAUSEWAY AND BRIDGE IN TISBURY.

Be it enacted, etc., as follows:

May construct causeway and bridge in Tisbury.

SECTION 1. License is hereby given to Charles C. Hine to construct and maintain a causeway and bridge for

the purpose of a road between lands owned by himself in the town of Tisbury across tide water from a point on Little Neck, so called, to the beach that separates the waters of Vineyard Haven Harbor and the Lagoon Pond: *provided*, that the existing structure across said tide water be first removed and that all things done under this act shall be subject to the determination and approval of the board of harbor and land commissioners, and to all provisions of chapter nineteen of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1883.

AN ACT TO AUTHORIZE THE PRESIDENT AND TRUSTEES OF WILLIAMS COLLEGE TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 39

Be it enacted, etc., as follows:

SECTION 1. The proviso in section four of the act establishing Williams College, passed on the twenty-second day of June in the year seventeen hundred and ninety-three, is hereby amended so as to read, "*provided nevertheless* that the clear annual income of the same shall not exceed two hundred thousand dollars."

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1883.

AN ACT TO AUTHORIZE THE NATIONAL TUBE WORKS COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 40

Be it enacted, etc., as follows:

SECTION 1. The National Tube Works Company, a corporation established in Boston under the general laws of this Commonwealth, is authorized to increase its capital stock by an amount which together with the capital stock heretofore authorized shall not exceed in the aggregate two million five hundred thousand dollars.

May increase capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1883.

AN ACT IN RELATION TO THE ASSESSMENT OF TAXES.

Chap. 41

Be it enacted, etc., as follows:

SECTION 1. Section fifty-two of chapter eleven of the Public Statutes is amended so that in the blank books provided for under said section, the heading of column number one shall read as follows: "Names and residences of persons assessed."

Amendment to P. S. 11, § 52.

SECTION 2. Section fifty-three of chapter eleven of the Public Statutes is amended so that the second paragraph

Amendment to P. S. 11, § 53.

of said section shall read as follows: "In Column Number One. The names of the inhabitants or persons assessed for polls or estates, with the street and number of their residence."
Approved March 14, 1883.

Chap. 42

AN ACT RELATING TO THE RE-COUNTING OF BALLOTS.

Be it enacted, etc., as follows:

Contesting candidates may be present at re-count of ballots.

SECTION 1. In all cases whenever a re-count of ballots cast at any election is claimed, the board or committee charged with the duty of re-counting such ballots shall, before proceeding to re-count such ballots, give notice in writing to the several contesting candidates interested in and liable to be affected by such re-count, of the time when and the place where such re-count is to be made, and each of such contesting candidates may appear and be present during such re-counting either in person or by an agent appointed in writing by him in his stead.

SECTION 2. This act shall take effect upon its passage.
Approved March 14, 1883.

Chap. 43

AN ACT TO CHANGE THE NAME OF THE WOMAN'S BAPTIST MISSIONARY SOCIETY.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The Woman's Baptist Missionary Society, a corporation established in Boston under the general laws of this Commonwealth the ninth day of November in the year eighteen hundred and seventy-four, shall take the name of the "Woman's Baptist Foreign Missionary Society."

SECTION 2. This act shall take effect upon its passage.
Approved March 14, 1883.

Chap. 44

AN ACT TO INCORPORATE THE TRUSTEES OF THE CHAPTER OF THE ZETA PSI FRATERNITY IN WILLIAMS COLLEGE.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Truman Henry Safford, Charles Kellogg Ober, Ira Jewett Geer, their associates and successors, are made a corporation under the name of the "Trustees of the Chapter of the Zeta Psi Fraternity in Williams College," for the purpose of holding and managing the real estate and personal property of the said chapter, with the powers and privileges and subject to the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

SECTION 2. The said corporation is hereby authorized to hold meetings, for the purposes mentioned in this act, in the city of New York as well as within this Commonwealth.

May hold meetings in the city of New York.

SECTION 3. The said corporation may receive, purchase, hold and convey real and personal property for the use of said chapter, provided that the value of the real estate so held at any time shall not exceed thirty thousand dollars; and said property shall not be exempt from taxation.

Real and personal estate.

SECTION 4. This act shall take effect upon its passage.

Approved March 14, 1883.

AN ACT RELATING TO THE ANNUAL MEETING AND NUMBER OF MANAGERS OF THE BOSTON FEMALE ASYLUM.

Chap. 45

Be it enacted, etc., as follows:

Section three of the act to incorporate the Boston Female Asylum, passed on the twenty-sixth day of February in the year eighteen hundred and three, is amended so that the annual meeting of said society shall be held on the last Tuesday in October, and the board of managers shall not exceed sixteen in number.

Annual meeting.

Approved March 14, 1883.

AN ACT RELATING TO THE CITY PHYSICIAN AND BOARD OF HEALTH OF THE CITY OF TAUNTON.

Chap. 46

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter two hundred and eleven of the acts of the year eighteen hundred and eighty-two, providing for the election of certain officers of the city of Taunton, is amended by striking from the twentieth line of said section the words "and city physician," and by inserting in said line the word "and" before the word "superintendent."

City physician.

SECTION 2. The appointments to the board of health of the city of Taunton shall, in the year eighteen hundred and eighty-three, be made within thirty days after the passage of this act, to take effect from the first Monday of February of said year.

Board of health.

SECTION 3. This act shall take effect upon its passage.

Approved March 14, 1883.

Chap. 47 AN ACT IN RELATION TO EXTRA CLERICAL ASSISTANCE IN THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Extra clerical assistance.

SECTION 1. The second paragraph of section fifty-eight of chapter one hundred and fifty-four of the Public Statutes, providing for extra clerical assistance in the municipal court in the city of Boston, is amended by striking out the word "sixteen," in the second line thereof, and inserting in place thereof the word "nineteen."

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1883.

Chap. 48 AN ACT TO ESTABLISH THE SALARY OF THE THIRD CLERK IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The annual salary of the third clerk in the department of the secretary of the Commonwealth shall be thirteen hundred dollars, from the first day of January in the year eighteen hundred and eighty-three.

Repeal.

SECTION 2. So much of section ten of chapter fifteen of the Public Statutes as is inconsistent with this act is hereby repealed.

Approved March 17, 1883.

Chap. 49 AN ACT AUTHORIZING THE MASSACHUSETTS BIBLE SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The Massachusetts Bible Society, originally incorporated by an act passed the fifteenth day of February in the year eighteen hundred and ten, is authorized to hold real and personal estate to an amount not exceeding three hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1883.

Chap. 50 AN ACT TO AUTHORIZE THE MUTUAL FIRE ASSURANCE COMPANY OF SPRINGFIELD TO INSURE PERSONAL PROPERTY AGAINST LOSS OR DAMAGE BY FIRE.

Be it enacted, etc., as follows:

May insure personal property against loss by fire.

SECTION 1. The Mutual Fire Assurance Company of Springfield, incorporated under the provisions of an act approved on the fifteenth day of February in the year one thousand eight hundred and twenty-seven, is authorized to insure personal property against loss or damage by fire, to the same extent and in the same manner as they are now authorized by law to insure real estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1883.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO TAKE LAND FOR
PUBLIC INSTITUTIONS.

Chap. 51

Be it enacted, etc., as follows :

SECTION 1. The city of Boston is authorized to take and hold by purchase or otherwise, at any time within two years from the passage of this act, so much land within its limits or on the islands in Boston harbor as it may deem necessary for the public institutions of said city and the county of Suffolk.

May take land for public institutions.

SECTION 2. Said city shall, within thirty days from the time when it shall take any land under this act, file in the office of the register of deeds for the county in which such land is situated, and cause to be recorded therein, a description of the land so taken as certain as is required in a common conveyance of land, with a statement of the purpose for which said land is taken ; which description and statement shall be signed by the mayor of said city. The city of Boston shall be liable to pay all damages that shall be sustained by any person by reason of the taking of land as aforesaid, and in case the parties cannot agree the damages shall be assessed by a jury at the bar of the superior court, on petition to be filed in the clerk's office of said court, in the county in which said land is situated, within two years next succeeding the filing of the description before mentioned, and sections twenty-eight and twenty-nine of chapter forty-nine of the Public Statutes shall apply to the assessment of damages under this act.

To file and have recorded in the registry of deeds, within thirty days, a description of the land taken.

Liability for damages.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1883.

AN ACT TO EXTEND THE TIME WITHIN WHICH SAVINGS BANKS AND
INSTITUTIONS FOR SAVINGS MAY SELL CERTAIN REAL ESTATE NOW
HELD BY THEM.

Chap. 52

Be it enacted, etc., as follows :

Any savings bank or institution for savings incorporated under the authority of this Commonwealth may sell any real estate now held by it, which has been acquired by the foreclosure of any mortgage owned by it, or by purchase at sales made under the provisions of any such mortgage, or upon judgments for debts due it or in settlements effected to secure such debts, at any time before the first day of July in the year eighteen hundred and eighty-four : *provided, however,* that the commissioners of savings banks may, upon the petition of the trustees of any savings bank, and for good cause shown, grant an

Time extended for selling certain real estate.

Proviso.

additional time not exceeding two years within which such real estate shall be sold; notwithstanding any limit provided by the eighth clause of section twenty of chapter one hundred and sixteen of the Public Statutes, and section one of chapter two hundred of the acts of eighteen hundred and eighty-two. *Approved March 17, 1883.*

Chap. 53

AN ACT RELATING TO THE SALARY OF THE CLERK OF THE POLICE COURT OF GLOUCESTER.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. Section sixty-four of chapter one hundred and fifty-four of the Public Statutes is amended so that the annual salary of the clerk of the police court of Gloucester shall be eight hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1883.

Chap. 54

AN ACT RELATING TO THE SALARY OF THE MESSENGER OF THE JUSTICES OF THE SUPERIOR COURT IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. Section sixty-nine of chapter one hundred and fifty-nine of the Public Statutes is amended so that the messenger of the justices of the superior court in the county of Suffolk shall receive an annual salary of fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1883.

Chap. 55

AN ACT RELATING TO THE PRINTING AND DISTRIBUTION OF THE LEGISLATIVE MANUAL.

Be it enacted, etc., as follows:

Legislative manual to be furnished to cities and towns.

SECTION 1. Section nine of chapter four of the Public Statutes is amended by striking out the words "four thousand five hundred," in the third line, and inserting in place thereof the words "five thousand;" section ten of the same chapter is also amended by inserting after the word "Commonwealth," in the eighth line, the words "and one copy to each of the city and town clerks for the use of the said city or town."

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the thirteenth day of March, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT TO CONFIRM CERTAIN AGREEMENTS AND LEASES MADE BETWEEN THE CAMBRIDGE RAILROAD COMPANY, THE UNION RAILWAY COMPANY, THE MIDDLESEX RAILROAD COMPANY AND THE SOMERVILLE HORSE RAILROAD COMPANY.

Chap. 56

Be it enacted, etc., as follows:

SECTION 1. A memorandum of agreement entered into by and between the Cambridge Railroad Company and the Union Railway Company, dated on the twenty-second day of November in the year eighteen hundred and eighty-two, and recorded with the Middlesex southern district deeds, volume sixteen hundred and sixteen, pages two hundred and sixty to two hundred and sixty-six, whereby the said Union Railway Company agreed to sell and convey all its real estate, equipment, leases and franchise to the said Cambridge Railroad Company, and the said Cambridge Railroad Company agreed to purchase the same; an indenture of two parts made between the Somerville Horse Railroad Company and the Middlesex Railroad Company, dated on the twenty-eighth day of December in the year eighteen hundred and eighty-two, being a lease to said Middlesex Railroad Company by said Somerville Horse Railroad Company of certain new railway tracks recently constructed in the city of Somerville by said Somerville Horse Railroad Company; an indenture of two parts made between the Middlesex Railroad Company and the Cambridge Railroad Company, dated on the twenty-eighth day of December in the year eighteen hundred and eighty-two, being a lease of the said railway tracks to the said Cambridge Railroad Company by said Middlesex Railroad Company; and a memorandum of agreement made between the said Cambridge Railroad Company and said Middlesex Railroad Company, dated on the twenty-eighth day of December in the year eighteen hundred and eighty-two, whereby the said Cambridge Railroad Company agreed to assume all liabilities of and the payment of all rents hereafter coming due from said Union Railway Company to the said Middlesex Railroad Company, and the said Middlesex Railroad Company assented thereto, and all acts and proceedings done under and in pursuance of the same, are hereby ratified, confirmed and made valid.

Agreements and leases confirmed.

Proceedings ratified.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the fourteenth day of March, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap. 57 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE FIRST DISTRICT COURT OF PLYMOUTH.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The clerk of the first district court of Plymouth shall receive an annual salary of six hundred dollars.

Repeal.

SECTION 2. So much of section sixty-four of chapter one hundred and fifty-four of the Public Statutes as is inconsistent with this act is repealed.

SECTION 3. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the fourteenth day of March, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap. 58 AN ACT TO AUTHORIZE THE UNION OF THE EASTERN JUNCTION, BROAD SOUND PIER AND POINT SHIRLEY RAILROAD COMPANY, THE BOSTON, WINTHROP AND POINT SHIRLEY RAILROAD COMPANY AND THE BOSTON AND WINTHROP RAILROAD COMPANY.

Be it enacted, etc., as follows:

Railroad com-
panies author-
ized to unite.

SECTION 1. The Eastern Junction, Broad Sound Pier and Point Shirley Railroad Company is authorized to unite with the Boston, Winthrop and Point Shirley Railroad Company and the Boston and Winthrop Railroad Company, on such terms and conditions and with such guarantees as may be mutually agreed upon by said corporations, at meetings of the stockholders thereof duly called for that purpose: *provided, however*, that the assent to such union shall be given by a two-thirds interest of the holders of the stock of said corporations. The name of the united corporation thus authorized shall be the Boston, Winthrop and Shore Railroad Company, and said corporation shall have and enjoy all the franchises, powers, privileges, property and rights of every kind belonging to the Eastern Junction, Broad Sound Pier and Point Shirley Railroad Company, now so called, and to the Boston, Winthrop and Point Shirley Railroad Company, now so called, and to the Boston and Winthrop Railroad Company, now so called, or either of them, and shall assume all the duties, debts and liabilities of said corporations, and shall be subject to all general laws which now are or hereafter may be in force relating to railroad corporations.

Name of united
corporation.

Capital stock.

SECTION 2. The capital stock of the Boston, Winthrop and Shore Railroad Company, after such union, shall not exceed the amount of the authorized capital stock

of said three corporations at the date of such union ; but it may, after such union, increase its capital stock to two hundred and seventy-five thousand dollars, the new stock to be issued in accordance with existing laws, and the proceeds thereof applied to the payment and reduction of its debt, and to providing additional equipment for and improvements of its road, and the establishment of a ferry between the city of Boston and the town of Winthrop, as hereinafter provided, and the purchase of such property as may be necessary for the use of said corporation. Said Boston, Winthrop and Shore Railroad Company, after such union, may issue bonds in an amount not exceeding its capital stock, and mortgage its property to secure the same, the proceeds thereof to be applied to the payment and extinguishment of its debt, and to providing additional equipment and such other property, with improvements thereon as may be needed by said corporation.

May issue bonds, and mortgage its property to secure payment.

SECTION 3. The said Boston, Winthrop and Shore Railroad Company, after such union, may change the gauge of such portions of its tracks as are now three feet gauge, to the standard gauge of four feet eight and one-half inches ; or, to better accommodate public travel, it may lay a third rail upon its road to permit the running of engines and cars of both said gauges. Said corporation may establish and maintain a ferry between the city of Boston and the town of Winthrop for the carriage of passengers and freight, and may charge and receive tolls therefor, and may lease or purchase such real estate on Atlantic Avenue, in the city of Boston, and may lease, purchase, or take such real estate in the town of Winthrop as may be needed by said company to provide it with sufficient terminal facilities ; and said company may erect thereon such wharves, depots and other structures as may be required by said company for its convenience and use, subject, however, to the approval of the board of harbor and land commissioners, and to all the provisions of chapter nineteen of the Public Statutes : *provided*, that said corporation shall not establish any ferry landing on Atlantic Avenue, in said city, without first obtaining the approval of the board of aldermen of said city thereto ; *provided*, also, that this act shall not give said corporation any additional rights to take lands for terminal uses at Point Shirley, so called.

May change gauge of tracks.

May establish a ferry between Boston and Winthrop.

May erect wharves, depots etc., with approval of harbor and land commissioners.

Provisos.

Union to be made within two years.

To be located and constructed within three years after union.

Certified copies of votes to unite, to be filed in secretary's office and with railroad commissioners.

SECTION 4. The said Eastern Junction, Broad Sound Pier and Point Shirley Railroad Company, Boston, Winthrop and Point Shirley Railroad Company and Boston and Winthrop Railroad Company are hereby granted two years from and after the passage of this act to unite as herein provided, and after such union three years from the date thereof are hereby granted, within which the said Boston, Winthrop and Shore Railroad Company may locate and construct the extensions of its road and establish the said ferry, except that the extension to deep water at Point Shirley shall be located and constructed within the time now allowed by law to the Eastern Junction, Broad Sound Pier and Point Shirley Railroad Company to construct its present line.

SECTION 5. Whenever said corporations shall vote to unite, as aforesaid, copies of the votes whereby such union is assented to, certified by the respective clerks of said corporations, shall be filed in the office of the secretary of the Commonwealth, and also with the board of railroad commissioners.

SECTION 6. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the fourteenth day of March, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap. 59

AN ACT TO AUTHORIZE THE BOSTON AND LOWELL RAILROAD CORPORATION TO PURCHASE THE FRANCHISE AND PROPERTY OF THE MIDDLESEX CENTRAL RAILROAD COMPANY.

Be it enacted, etc., as follows:

Boston and Lowell Railroad Corporation may issue bonds to amount of \$250,000, for purchase of the Middlesex Central Railroad.

SECTION 1. The Boston and Lowell Railroad Corporation, incorporated by an act approved June fifth, eighteen hundred and thirty, is hereby authorized to issue bonds to the amount of two hundred and fifty thousand dollars, payable in not more than twenty years from their date and bearing interest at a rate not exceeding five per cent. per annum, for the purpose of providing the means to purchase the rights, franchise and property of the Middlesex Central Railroad Company, incorporated by an act approved April tenth eighteen hundred and seventy-one, in accordance with a lease dated August first eighteen hundred seventy-three executed by said corporations; said bonds shall be signed by the president and treasurer and recorded by the treasurer, and shall be approved by some person appointed by the board of directors, who

shall certify that they are properly issued and recorded; and the said Middlesex Central Railroad Company is hereby authorized and empowered to convey the said rights, property, franchises and all the powers, privileges and easements granted to it, to the Boston and Lowell Railroad Corporation; and the Boston and Lowell Railroad Corporation shall upon such conveyance have and enjoy all the rights, powers, privileges, easements, franchises and property, and be subject to all duties, liabilities, obligations and restrictions to which said Middlesex Central Railroad Company may be subject.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1883.

AN ACT TO AUTHORIZE THE MASSACHUSETTS HOSPITAL LIFE INSURANCE COMPANY TO HOLD ADDITIONAL REAL ESTATE.

Chap. 60

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts Hospital Life Insurance Company, incorporated by an act passed on the twenty-fourth day of February in the year eighteen hundred and eighteen, is authorized to purchase and hold real estate in the city of Boston, to an amount not exceeding fifteen hundred thousand dollars.

May hold additional real estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1883.

AN ACT RELATIVE TO THE FEES OF WITNESSES AND OFFICERS AT INQUESTS.

Chap. 61

Be it enacted, etc., as follows:

SECTION 1. Section twenty-five of chapter twenty-six of the Public Statutes is amended by inserting after the word "dollars," in the seventh line thereof, the words "and the fees of witnesses and officers for attendance, travel and services at such inquests shall be the same as in criminal prosecutions before such trial justices."

Fees of witnesses and officers at inquests.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1883.

AN ACT CONCERNING COSTS UNDER THE TRUSTEE PROCESS.

Chap. 62

Be it enacted, etc., as follows:

SECTION 1. If, during the pendency of a trustee process the trustee is sued by the defendant in such process or by any other person to recover the goods, effects or credits or any part thereof in the hands and possession of said trustee, the court in which said subsequent suit is

Costs under the trustee process.

brought may make such order in reference to costs therein as justice may require.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1883.

Chap. 63

AN ACT TO CHANGE THE TIME OF HOLDING MEETINGS OF THE COUNTY COMMISSIONERS IN THE COUNTY OF BERKSHIRE.

Be it enacted, etc., as follows:

Time of holding meetings.

SECTION 1. The county commissioners of the county of Berkshire shall hold meetings on the first Tuesdays of January, April, July and October.

Repeal.

SECTION 2. So much of section fifteen of chapter twenty-two of the Public Statutes as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1883.

Chap. 64

AN ACT IN RELATION TO THE MASSACHUSETTS CENTRAL RAILROAD COMPANY.

Be it enacted, etc., as follows:

Time for location extended.

SECTION 1. The time within which the Massachusetts Central Railroad Company may locate and construct its railroad is hereby extended to the first day of May in the year eighteen hundred and eighty-six; and all acts and parts of acts conferring franchises, rights, powers and immunities upon said company are hereby revived and continued in force.

May issue preferred stock by vote of stockholders.

SECTION 2. The said company may, by vote of a majority in interest of its stockholders, at a meeting duly called for the purpose, issue to each holder of its mortgage debt preferred stock to an amount equal to the principal of the debt, and of all unpaid interest thereon, including the interest becoming due on the first day of July in the year eighteen hundred and eighty-three. The issue of said preferred stock in exchange for said debt and interest shall operate as full payment thereof; and the preferred stock so issued shall be treated as fully paid up stock to all intents and purposes; shall be entitled to dividends not exceeding eight per cent. each year, payable semi-annually, in preference and priority to the common stock; and, until two semi-annual dividends have been so paid in one year, the holders of such preferred stock shall have the exclusive right to elect the directors of said company, and to vote at corporate meetings, and shall have the entire control and management of said company.

Such preferred stock shall be divided into shares of one hundred dollars each, and for any amount of mortgage debt less than one hundred dollars, said company shall issue scrip certificates convertible into preferred stock, upon presentation of the same in sums of one hundred dollars. It is, however, expressly provided that no preferred stock shall be issued under the authority of this section, unless within thirty days from the passage of this act all the holders of said mortgage debt shall elect to exchange the same for preferred stock, as herein provided, and shall present the bonds, coupons, and other evidences of said mortgage debt to the company, to be stamped or marked accordingly.

Shares of one hundred dollars each.

Proviso.

SECTION 3. In the event that section two of this act shall fail to take effect, Samuel N. Aldrich, Thomas H. Perkins and Henry Woods, or any two of them, for and on behalf of the holders of said mortgage debt, whenever the trustees under said mortgage shall sell the mortgage property as therein provided, may purchase the same on behalf of the holders of said mortgage debt, and thereupon shall take a conveyance of said property from said trustees, and shall hold the same in trust for and on account of said holders, but absolutely in fee, and free from every right and equity of redemption of the mortgagor. Immediately after such sale and purchase on behalf of the holders of said mortgage debt, said Aldrich, Perkins and Woods, or any two of them, shall, by notices published three times a week, for three successive weeks, in one or more newspapers published in the city of Boston, call a meeting of the holders of said mortgage debt, to be held at said Boston, which notices shall state the time, place and object of said meeting. At said meeting, which shall be presided over by said Aldrich, Perkins and Woods, or any one of them, the holders of said mortgage debt, or such of them as may be present at said meeting, shall organize a corporation, under a corporate name, to be called the Central Massachusetts Railroad Company, and with a capital stock equal to the aggregate of said mortgage debt, the unpaid interest thereon, the interest becoming due on the first day of July in the year eighteen hundred and eighty-three, and the existing capital stock of said Massachusetts Central Railroad Company; shall make proper by-laws for the government of said new corporation, and shall elect thirteen directors, who shall serve until their successors

Property may be purchased by holders of mortgage debt

New corporation may be organized under the name of the Central Massachusetts Railroad Company.

Thirteen directors to be chosen.

shall be chosen, pursuant to such by-laws. At said meeting each holder of said mortgage debt shall be entitled to one vote, either in person or by proxy, for each one hundred dollars of the principal of said mortgage debt held by him, and for each one hundred dollars of overdue and unpaid interest thereon, interest becoming due on the first day of July in the year eighteen hundred and eighty-three to be reckoned as overdue. The directors so elected shall, as soon as practicable after the organization of said new corporation, issue preferred stock and common stock of said corporation, to be divided into shares of one hundred dollars each, to the amounts and in the manner following: To each holder of said mortgage debt there shall be issued in payment thereof, preferred stock, at par, to the amount of the principal of said debt held by him, and of the overdue and unpaid interest thereon, interest becoming due on the first day of July in the year eighteen hundred and eighty-three to be reckoned as overdue. Said preferred stock shall be entitled to dividends not exceeding eight per cent. in each year, payable semi-annually, in preference and priority to the common stock; and until two semi-annual dividends have been so paid in any one year, shall have the exclusive right to elect the directors of said new corporation, and to vote at corporate meetings, and shall have the entire control and management of said corporation.

For amounts of said mortgage debt less than one hundred dollars, scrip certificates shall be issued, convertible into said preferred stock upon presentation of the same in sums of one hundred dollars. To each holder of the common stock of said Massachusetts Central Railroad Company, there shall be issued upon the surrender thereof, common stock of the said new corporation to an equal amount, share for share, provided that the same be so surrendered within three months from the date of said meeting. The aggregate of the capital stock so issued, shall constitute the capital stock of said new corporation, and shall be treated as fully paid up stock to all intents and purposes.

SECTION 4. The corporation organized under the provisions of the preceding section shall have all the rights, franchises, powers and privileges at any time granted to or vested in, and shall be subject to all the debts, duties, liabilities, including claims for land damages, and restrictions imposed upon said Massachusetts Central Railroad

Preferred stock
to be issued.

Dividends.

Scrip certi-
ficates to be is-
sued for
amounts of
debt less than
one hundred
dollars.

Capital stock.

Powers and
duties.

Company. Said Aldrich, Perkins and Woods, or any two of them, shall convey to the said new corporation all the property purchased by them from the trustees under the mortgage, first indemnifying themselves and paying said trustees therefrom for all services, expenses and liabilities rendered or incurred by either themselves or said trustees in connection with the said corporations and mortgaged property. Immediately upon the completion of the organization of the said new corporation it shall file in the office of the secretary of the Commonwealth a copy of its proceedings in making such organization, attested by its president and clerk, and under its corporate seal; and such certificate, or a certified copy thereof, shall be conclusive evidence of the establishment of said corporation.

Property to be conveyed to new corporation.

Certificate to be filed in secretary's office upon completion of organization.

SECTION 5. The Massachusetts Central Railroad Company, or, if a new corporation shall be organized under the third section of this act, then said Central Massachusetts Railroad Company is hereby authorized to locate, construct, operate and maintain an extension of its railroad, with one or more tracks, from a point in the town of Palmer, through said town and the towns of Wilbraham, Chicopee, West Springfield, Agawam, Westfield, Southwick, Russell, Granville, Blandford, Tolland, Sandisfield, Otis, Monterey, Great Barrington and Egremont, and the city of Holyoke, or any of them, to a point in the boundary line between this Commonwealth and the state of New York, or to any intermediate point on said route, and such extension shall be located and constructed in conformity to the provisions of chapter one hundred and twelve of the Public Statutes: *provided*, that no portion of said extension shall be opened for business until said railroad as already located shall be completed and in operation to Northampton.

May construct road from the town of Palmer to the line of the state of New York.

Proviso.

SECTION 6. For the purpose of completing and equipping said railroad as already located, and of locating, constructing and equipping the extension thereof herein authorized, and in lieu of any further issue of capital stock, or any subscriptions to the same, said Massachusetts Central Railroad Company, or said new corporation, may issue bonds, to run for a period not exceeding twenty years, and secured by mortgage of its franchise and property, or any part thereof. Such bonds shall be issued in conformity with the provisions of chapter one hundred

May issue bonds.

Proviso.

and twelve of the Public Statutes, but shall not exceed in amount twenty-five thousand dollars per mile for each mile of road already located or hereby authorized to be located: *provided, however*, that not more than two million dollars in amount thereof shall be issued for the purpose of completing and equipping said railroad as already located; and that for the purpose of locating, constructing and equipping said railroad, or any part thereof as the same may be extended under the authority herein given, such an amount of said bonds shall be issued as shall be approved by the board of railroad commissioners.

May unite, and make leases and contracts with other railroads.

SECTION 7. The Massachusetts Central Railroad Company, or if a new corporation shall be organized under the third section of this act, then said Central Massachusetts Railroad Company, is hereby authorized to make, with the Poughkeepsie, Hartford and Boston Railroad Company, a corporation existing under the laws of the state of New York, and its successors, or with any other railroad corporation, whether within or without this Commonwealth, whose railroad now, or shall hereafter, connect with the Massachusetts Central Railroad as already located, or the Central Massachusetts Railroad, or with either of said railroads, as it may be extended under the authority herein given, such leases or operating contracts, or such consolidations and corporate unions as the directors of each corporation concerned may agree to, and as may be approved by a majority in interest of the stockholders of each, at a meeting or meetings called for the purpose. In the event of a consolidation being formed under the authority of this section, the new corporation thereby created shall have, hold and possess all the powers, privileges, rights, franchises, property, claims and demands which, at the time of their union may be held by both or all of the corporations so uniting; and shall be subject to all the duties, restrictions and liabilities to which, at the time of such union, either of the corporations so uniting is subject, and shall be subject to all the general laws which now are or hereafter may be in force relative to railroad corporations. The capital of said new corporation shall not exceed in amount the existing capital stock and funded debt of the uniting corporations; and of such capital stock there shall be preferred stock not to exceed the amount of such funded debt; and said new corporation, if otherwise duly authorized, shall have the same

Power and liability of new corporation.

Capital stock not to exceed existing capital and funded debt.

power to issue bonds, and secure them by mortgage of its property, as if chartered solely under the laws of this Commonwealth.

SECTION 8. This act shall take effect upon its passage.

Approved March 23, 1883.

AN ACT RELATING TO THE TENURE OF OFFICE OF RAILROAD AND STEAMBOAT POLICE.

Chap. 65

Be it enacted, etc., as follows:

Section fifteen of chapter one hundred and three of the Public Statutes, relating to the tenure of office of railroad and steamboat police, is hereby amended by striking out the first clause ending with the word "appointed," and inserting in place thereof the following words: "Such police officers shall be sworn before any justice of the peace and shall hold their offices until their appointment is revoked by the mayor and aldermen of the city, or by the selectmen of the town, where they are appointed."

Railroad and steamboat police to hold office until their appointment is revoked.

Approved March 23, 1883.

AN ACT TO INCORPORATE THE ASHWOOD CEMETERY ASSOCIATION IN THE TOWN OF WEYMOUTH.

Chap. 66

Be it enacted, etc., as follows:

SECTION 1. E. Atherton Hunt, Charles P. Hunt, Nathaniel F. T. Hunt, Richard A. Hunt, Granville E. Field, Edmund S. Hunt, Elias Richards and William H. Chipman, their associates and successors, are made a corporation by the name of the Ashwood Cemetery Association, for the purpose of managing, improving and controlling the grounds situated in one enclosure on Broad and Front streets in the town of Weymouth, set apart by the Union Religious Society in the towns of Weymouth and Braintree for the burial of the dead.

Corporators.

Name and purpose.

SECTION 2. The said corporation may acquire and hold real and personal estate to an amount not exceeding ten thousand dollars, and shall have all the rights and privileges and be subject to all the duties, restrictions and liabilities contained in general laws which now are or hereafter may be in force relating to similar corporations, except as herein otherwise provided.

Real and personal estate.

SECTION 3. The said Union Religious Society is authorized to transfer and convey said grounds on Broad and Front streets to the said Ashwood Cemetery Corporation

Grounds on Broad and Front streets may be conveyed to cem.

every corporation.

when organized, provided that a majority of the members of said society shall vote so to do, after being duly notified of the time and place of the meeting called for such intended action.

SECTION 4. This act shall take effect upon its passage.

Approved March 23, 1883.

Chap. 67

AN ACT TO REVIVE AN ACT TO INCORPORATE THE GREAT NORTHERN RAILROAD COMPANY AND TO EXTEND THE TIME WITHIN WHICH THE CORPORATIONS THEREIN NAMED MAY AVAIL THEMSELVES OF THE RIGHTS THEREIN GRANTED.

Be it enacted, etc., as follows:

Charter revived.

SECTION 1. Chapter four hundred and fifty-nine of the acts of eighteen hundred and sixty-nine, approved June twenty-three, eighteen hundred and sixty-nine, is hereby revived, and the time within which the corporations therein named may avail themselves of the rights and privileges therein granted is extended six years from the passage of this act.

Time extended for execution of leases.

SECTION 2. The corporations therein named shall have the right at any time within six years from the passage of this act to execute such leases of their franchises and property to any other railroad corporation as may be approved by the stockholders of the contracting corporations at meetings duly called for that purpose; such contracting corporations, so far as chartered by this Commonwealth, complying with all its general laws.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1883.

Chap. 68

AN ACT TO CHANGE THE NAME OF THE BROADWAY ORTHODOX CONGREGATIONAL SOCIETY OF SOMERVILLE.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the Broadway Orthodox Congregational Society of Somerville, a religious society organized under the general laws on the twenty-third day of June in the year eighteen hundred and sixty-nine, is changed to the "Winter Hill Congregational Society."

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1883.

AN ACT TO REPEAL "AN ACT TO EMPOWER THE INHABITANTS OF THE TOWN OF PLYMOUTH TO CHOOSE A BOARD OF HEALTH, AND FOR REMOVING AND PREVENTING NUISANCES IN SAID TOWN."

Chap. 69

Be it enacted, etc., as follows :

SECTION 1. The act entitled "An Act to empower the inhabitants of the town of Plymouth to choose a Board of Health, and for removing and preventing nuisances in said town," approved February twenty-seventh in the year eighteen hundred and ten, is repealed.

Repeal.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1883.

AN ACT TO CHANGE THE NAME OF THE BEVERLY INSURANCE COMPANY IN BEVERLY TO THE MERCHANTS INSURANCE COMPANY OF BOSTON, AND TO AUTHORIZE SAID CORPORATION TO INCREASE ITS CAPITAL STOCK.

Chap. 70

Be it enacted, etc., as follows :

SECTION 1. The Beverly Insurance Company, in Beverly, shall hereafter be called the "Merchants Insurance Company, of Boston."

Name changed.

SECTION 2. Said corporation shall hold meetings, elect officers, and transact all other business in Boston, in the same manner and with the same effect as though the original location of said corporation had been in Boston.

May transact business, etc., in Boston.

SECTION 3. Said corporation under the name of the Merchants Insurance Company is hereby authorized to increase its capital stock to an amount not exceeding five hundred thousand dollars.

Capital stock increased.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1883.

AN ACT TO ESTABLISH THE POLLS AND ESTATES OF THE SEVERAL CITIES AND TOWNS IN THE COMMONWEALTH.

Chap. 71

Be it enacted, etc., as follows :

SECTION 1. The number of polls, the amount of property, and the tax of one thousand dollars, including polls at one-tenth of a mill each, for each city and town in the several counties of the Commonwealth, as contained in the schedule hereto annexed, are hereby established, and shall constitute a basis of apportionment for state and county taxes during the decade ending in the year eighteen hundred ninety-two, or until another is made and enacted by the legislature, to wit : —

Basis of apportionment of state and county taxes.

POLLS, PROPERTY, AND APPORTIONMENT OF STATE AND COUNTY
TAX OF \$1,000.

BARNSTABLE COUNTY.

Barnstable
County.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Barnstable,	1,137	\$3,288,203 00	\$1 85
Brewster,	245	1,190,365 00	65
Chatham,	610	732,995 00	45
Dennis,	782	1,398,053 00	81
Eastham,	190	224,039 00	14
Falmouth,	672	3,754,805 00	2 04
Harwich,	809	1,006,212 00	61
Mashpee,	72	106,138 00	06
Orleans,	351	577,729 00	34
Provincetown,	1,262	1,953,198 00	1 15
Sandwich,	840	1,854,336 00	1 06
Truro,	260	259,110 00	16
Wellfleet,	511	924,340 00	54
Yarmouth,	525	1,593,025 00	89
Total,	8,266	\$18,862,548 00	\$10 75

BERKSHIRE COUNTY.

Berkshire
County.

Adams,	1,583	\$3,077,789 00	\$1 78
Alford,	113	267,510 00	15
Becket,	292	384,043 00	23
Cheshire,	342	784,689 00	45
Clarksburg,	180	198,793 00	12
Dalton,	462	1,643,099 00	91
Egremont,	246	421,390 00	25
Florida,	123	153,211 00	09
Great Barrington,	1,113	2,872,974 00	1 62
Hancock,	176	422,569 00	24
Hinsdale,	436	766,393 00	45
Lanesborough,	348	582,845 00	34
Lee,	1,001	1,991,859 00	1 15
Lenox,	460	1,448,552 00	81
Monterey,	158	254,506 00	15
Mount Washington,	40	69,789 00	04
New Ashford,	49	86,335 00	05
New Marlborough,	446	669,903 00	40
North Adams,	3,049	4,768,560 00	2 82
Otis,	199	219,712 00	14
Peru,	124	123,865 00	08
Pittsfield,	3,370	8,605,789 00	4 87
Richmond,	280	462,852 00	27

BERKSHIRE COUNTY — Concluded.

Berkshire
County.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Sandisfield,	245	\$382,228 00	\$0 23
Savoy,	165	199,301 00	12
Sheffield,	541	1,003,998 00	58
Stockbridge,	551	2,809,505 00	1 53
Tyringham,	133	246,933 00	14
Washington,	117	201,024 00	12
West Stockbridge,	476	771,118 00	45
Williamstown,	751	1,647,084 00	94
Windsor,	160	208,278 00	13
Total,	17,729	\$37,746,496 00	\$21 65

BRISTOL COUNTY.

Bristol County.

Acushnet,	268	\$673,223 00	\$0 38
Attleborough,	3,446	5,253,300 00	3 11
Berkley,	273	434,241 00	26
Dartmouth,	758	2,259,338 00	1 27
Dighton,	417	793,845 00	46
Easton,	1,068	4,080,595 00	2 26
Fairhaven,	741	1,628,772 00	93
Fall River,	12,881	43,171,771 00	24 02
Freetown,	357	880,073 00	50
Mansfield,	717	1,167,203 00	69
New Bedford,	7,340	31,241,697 00	17 18
Norton,	436	850,434 00	49
Raynham,	393	1,023,915 00	58
Rehoboth,	479	750,925 00	44
Seekonk,	300	696,867 00	40
Somerset,	587	1,206,200 00	69
Swansey,	343	808,140 00	46
Taunton,	5,833	16,920,007 00	9 49
Westport,	654	1,420,499 00	81
Total,	37,291	\$115,261,045 00	\$64 42

DUKES COUNTY.

Dukes County.

Chilmark,	154	\$247,045 00	\$0 15
Cottage City,	172	1,206,900 00	65
Edgartown,	383	862,901 00	49
Gay Head,	37	13,153 00	01
Gosnold,	25	206,884 00	11
Tisbury,	405	705,900 00	41
Total,	1,176	\$3,242,783 00	\$1 82

Essex County.

ESSEX COUNTY.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Amesbury,	1,111	\$1,569,835 00	\$0 94
Andover,	999	5,053,079 00	2 76
Beverly,	2,159	10,170,780 00	5 57
Boxford,	225	655,285 00	37
Bradford,	719	1,338,230 00	78
Danvers,	1,611	3,761,596 00	2 14
Essex,	461	963,121 00	55
Georgetown,	663	1,018,494 00	60
Gloucester,	3,681	9,897,446 00	5 58
Groveland,	527	880,771 00	52
Hamilton,	230	662,433 00	37
Haverhill,	5,089	11,918,280 00	6 78
Ipswich,	884	2,097,482 00	1 19
Lawrence,	10,115	26,670,644 00	15 05
Lynn,	11,465	25,956,583 00	14 34
Lynnfield,	195	564,496 00	32
Manchester,	434	3,827,635 00	2 06
Marblehead,	2,083	3,964,927 00	2 30
Merrimac,	702	1,169,368 00	69
Methuen,	1,141	2,777,610 00	1 58
Middleton,	251	527,771 00	30
Nahant,	165	6,524,446 00	3 45
Newbury,	353	1,059,405 00	59
Newburyport,	3,343	8,321,954 00	4 72
North Andover,	932	2,620,179 00	1 47
Peabody,	2,317	7,188,290 00	4 02
Rockport,	982	2,077,044 00	1 19
Rowley,	352	545,095 00	32
Salem,	7,076	27,765,824 00	15 33
Salisbury,	1,125	2,227,043 00	1 29
Saugus,	627	1,368,602 00	78
Swampscott,	612	3,955,202 00	2 14
Topsfield,	313	766,875 00	44
Wenham,	260	540,277 00	31
West Newbury,	544	1,159,471 00	66
Total,	63,746	\$180,665,573 00	\$101 50

Franklin
County.

FRANKLIN COUNTY.

Ashfield,	295	\$465,242 00	\$0 27
Bernardston,	233	452,021 00	26
Buckland,	522	514,715 00	32
Charlemont,	266	337,207 00	20
Colrain,	430	630,828 00	38
Conway,	398	743,250 00	43
Deerfield,	820	1,267,481 00	75
Erving,	279	303,825 00	19

FRANKLIN COUNTY — Concluded.

Franklin
County.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Gill,	216	\$433,922 00	\$0 25
Greenfield,	1,206	3,300,159 00	1 86
Hawley,	171	150,654 00	10
Heath,	148	175,660 00	11
Leverett,	206	268,536 00	16
Leyden,	107	212,016 00	12
Monroe,	41	35,122 00	02
Montague,	1,296	2,823,642 00	1 62
New Salem,	230	314,965 00	19
Northfield,	406	698,832 00	41
Orange,	1,185	1,739,037 00	1 03
Rowe,	142	165,298 00	10
Shelburne,	430	871,429 00	50
Shutesbury,	121	153,413 00	09
Sunderland,	203	410,185 00	24
Warwick,	207	298,187 00	18
Wendell,	132	181,962 00	11
Whately,	275	440,124 00	26
Total,	9,965	\$17,387,712 00	\$10 15

HAMPDEN COUNTY.

Hampden
County.

Agawam,	590	\$1,289,442 00	\$0 74
Blandford,	259	345,838 00	21
Brimfield,	308	504,794 00	30
Chester,	398	496,343 00	30
Chicopee,	2,276	5,501,366 00	3 12
Granville,	316	364,856 00	22
Hampden,	270	438,196 00	26
Holland,	64	114,179 00	07
Holyoke,	5,717	13,794,102 00	7 83
Longmeadow,	459	1,187,317 00	67
Ludlow,	373	770,548 00	44
Monson,	934	1,621,636 00	95
Montgomery,	82	134,487 00	08
Palmer,	1,373	2,436,540 00	1 42
Russell,	200	444,043 00	25
Southwick,	289	610,922 00	35
Springfield,	9,177	38,053,100 00	20 95
Tolland,	105	179,721 00	11
Wales,	263	373,278 00	22
Westfield,	2,085	6,445,626 00	3 60
West Springfield,	1,069	3,334,201 00	1 86
Wilbraham,	351	723,470 00	42
Total,	26,958	\$79,170,005 00	\$14 37

Hampshire
County.

HAMPSHIRE COUNTY.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mil each.
Amherst,	946	\$2,686,660 00	\$1 51
Belchertown,	580	1,053,966 00	61
Chesterfield,	202	301,129 00	18
Cummington,	239	349,900 00	21
Easthampton,	814	2,510,867 00	1 40
Enfield,	306	765,999 00	43
Goshen,	97	129,232 00	07
Granby,	203	454,553 00	26
Greenwich,	159	266,081 00	16
Hadley,	483	1,217,675 00	69
Hatfield,	364	1,072,533 00	60
Huntington,	331	484,839 00	29
Middlefield,	135	343,971 00	19
Northampton,	2,720	8,449,441 00	4 72
Pelham,	140	167,246 00	10
Plainfield,	150	165,780 00	10
Prescott,	138	185,812 00	11
South Hadley,	918	1,929,923 00	1 11
Southampton,	276	512,667 00	30
Ware,	1,254	2,272,512 00	1 32
Westhampton,	129	272,133 00	16
Williamsburg,	540	981,972 00	57
Worthington,	232	321,502 00	19
Total,	11,356	\$26,896,393 00	\$15 28

Middlesex
County.

MIDDLESEX COUNTY.

Acton,	527	\$1,304,610 00	\$0 74
Arlington,	1,082	5,287,661 00	2 89
Ashby,	280	503,981 00	29
Ashland,	690	1,362,629 00	79
Ayer,	564	1,072,180 00	62
Bedford,	242	786,221 00	44
Belmont,	446	3,255,397 00	1 76
Billerica,	508	1,955,451 00	1 08
Boxborough,	107	260,875 00	15
Burlington,	179	507,005 00	28
Cambridge,	13,922	54,125,010 00	29 89
Carlisle,	160	390,098 00	22
Chelmsford,	640	1,718,914 00	97
Concord,	899	3,501,295 00	1 93
Dracut,	404	1,175,260 00	66
Dunstable,	130	321,934 00	18
Everett,	1,275	4,782,803 00	2 65
Framingham,	1,710	5,857,242 00	3 26
Groton,	494	3,294,096 00	1 78
Holliston,	826	1,744,813 00	1 00
Hopkinton,	1,193	2,339,925 00	1 35
Hudson,	1,078	1,945,521 00	1 13

MIDDLESEX COUNTY — Concluded.

Middlesex
County.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Lexington,	708	\$2,615,150 00	\$1 45
Lincoln,	257	1,397,008 00	76
Littleton,	271	789,397 00	44
Lowell,	15,328	49,710,399 00	27 71
Malden,	3,513	11,602,396 00	6 46
Marlborough,	2,627	3,935,471 00	2 33
Maynard,	660	1,680,344 00	95
Medford,	1,958	8,517,180 00	4 68
Melrose,	1,292	3,962,449 00	2 22
Natick,	2,058	4,667,839 00	2 66
Newton,	4,502	29,705,781 00	16 09
North Reading,	213	519,210 00	29
Pepperell,	728	1,586,662 00	91
Reading,	851	2,444,570 00	1 37
Sherborn,	303	870,725 00	49
Shirley,	321	753,570 00	43
Somerville,	6,717	23,700,228 00	13 15
Stoneham,	1,356	3,065,362 00	1 75
Stow,	294	964,936 00	54
Sudbury,	381	1,089,233 00	61
Tewksbury,	393	1,182,599 00	66
Townsend,	596	1,118,447 00	65
Tyngsborough,	167	378,680 00	22
Wakefield,	1,559	3,763,486 00	2 14
Waltham,	3,346	10,078,480 00	5 64
Watertown,	1,467	8,167,098 00	4 45
Wayland,	512	1,271,538 00	72
Westford,	530	1,133,975 00	65
Weston,	398	2,271,472 00	1 24
Wilmington,	284	571,348 00	33
Winchester,	833	4,027,054 00	2 20
Woburn,	3,358	8,484,615 00	4 80
Total,	85,137	\$293,519,623 00	\$163 05

NANTUCKET COUNTY.

Nantucket
County.

Nantucket,	910	\$2,741,793 00	\$1 53
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NORFOLK COUNTY.

Norfolk
County.

Bellingham,	330	\$584,853 00	\$0 34
Braintree,	1,067	3,328,766 00	1 86
Brookline,	2,128	29,283,034 00	15 63
Canton,	995	3,401,873 00	1 89
Cohasset,	589	3,330,087 00	1 81
Dedham,	1,559	5,898,238 00	3 26
Dover,	186	485,468 00	27
Foxborough,	719	1,562,482 00	89
Franklin,	895	1,899,308 00	1 09

Norfolk
County.

NORFOLK COUNTY — Concluded.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Holbrook,	678	\$1,480,040 00	\$0 85
Hyde Park,	2,005	4,759 320 00	2 71
Medfield,	361	1,215,454 00	68
Medway,	999	1,698,557 00	99
Milton,	871	12,347,903 00	6 59
Needham,	647	1,793,899 00	1 01
Norfolk,	188	394,140 00	23
Norwood,	741	1,975,037 00	1 11
Quincy,	2,878	7,997,580 00	4 50
Randolph,	1,206	2,525,319 00	1 45
Sharon,	348	1,170,418 00	65
Stoughton,	1,360	2,201,197 00	1 30
Walpole,	645	1,439,847 00	82
Wellesley,	594	3,565,770 00	1 94
Weymouth,	3,036	6,371,748 00	3 66
Wrentham,	684	1,339,170 00	77
Total,	25,709	\$102,049,508 00	\$56 30

Plymouth
County.

PLYMOUTH COUNTY.

Abington,	1,093	\$1,898,755 00	\$1 11
Bridgewater,	1,022	2,420,598 00	1 38
Brockton,	4,723	8,971,073 00	5 20
Carver,	219	604,671 00	34
Duxbury,	586	1,289,969 00	74
East Bridgewater,	810	1,621,772 00	93
Halifax,	162	260,489 00	15
Hanover,	517	1,243,171 00	71
Hanson,	350	572,699 00	34
Hingham,	1,201	3,804,325 00	2 12
Hull,	125	1,549,695 00	83
Kingston,	484	2,010,259 00	1 11
Lakeville,	266	509,034 00	29
Marion,	248	860,880 00	48
Marshfield,	507	1,131,565 00	65
Mattapoisett,	337	1,435,320 00	79
Middleborough,	1,500	3,020,441 00	1 74
Pembroke,	426	673,234 00	40
Plymouth,	1,796	4,992,301 00	2 81
Plympton,	170	300,295 00	18
Rochester,	249	479,426 00	28
Rockland,	1,343	2,283,243 00	1 34
Scituate,	609	1,364,500 00	78
South Abington,	978	2,275,104 00	1 30
South Scituate,	482	1,182,701 00	67
Wareham,	557	1,256,413 00	72
West Bridgewater,	451	976,257 00	56
Total,	21,211	\$48,988,190 00	\$27 95

SUFFOLK COUNTY.

Suffolk County.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Boston,	102,578	\$712,433,381 00	\$385 37
Chelsea,	6,328	17,078,877 00	9 63
Revere,	698	2,607,964 00	1 44.
Winthrop,	267	1,692,557 00	92
Total,	109,871	\$733,812,779 00	\$397 36

WORCESTER COUNTY.

Worcester
County.

Ashburnham,	477	\$982,773 00	\$0 57
Athol,	1,208	2,437,811 00	1 40
Auburn,	281	501,594 00	29
Barre,	686	1,549,494 00	88
Berlin,	259	495,260 00	29
Blackstone,	1,279	2,089,982 00	1 23
Bolton,	254	517,940 00	30
Boylston,	211	511,314 00	29
Brookfield,	858	1,302,834 00	77
Charlton,	560	1,074,029 00	62
Clinton,	2,122	5,191,234 00	2 95
Dana,	203	263,297 00	16
Douglas,	713	1,048,700 00	62
Dudley,	562	955,749 00	56
Fitchburg,	4,020	11,313,163 00	6 36
Gardner,	1,871	2,702,525 00	1 61
Grafton,	1,070	2,159,397 00	1 24
Hardwick,	678	1,174,894 00	69
Harvard,	343	985,514 00	55
Holden,	633	1,016,783 00	60
Hubbardston,	385	779,472 00	45
Lancaster,	451	2,770,392 00	1 50
Leicester,	712	1,862,317 00	1 05
Leominster,	1,699	3,998,127 00	2 28
Lunenburg,	319	728,650 00	42
Mendon,	290	620,039 00	36
Milford,	2,459	5,526,252 00	3 16
Milbury,	1,120	2,184,175 00	1 26
New Braintree,	174	477,962 00	27
Northborough,	431	1,171,415 00	66
Northbridge,	1,092	2,758,383 00	1 56
North Brookfield,	1,235	1,947,360 00	1 15
Oakham,	236	348,988 00	21
Oxford,	704	1,449,507 00	83
Paxton,	169	276,696 00	16
Petersham,	296	617,962 00	36
Phillipston,	160	289,581 00	17
Princeton,	307	913,487 00	51
Royalston,	368	817,205 00	47
Rutland,	268	486,856 00	28
Shrewsbury,	417	1,063,151 00	60

Worcester
County.

WORCESTER COUNTY — Concluded.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Southborough,	541	\$1,391,487 00	\$0 79
Southbridge,	1,474	3,288,471 00	1 88
Spencer,	1,881	3,564,300 00	2 06
Sterling,	380	953,978 00	54
Sturbridge,	578	1,065,186 00	62
Sutton,	722	1,381,522 00	80
Templeton,	837	1,223,905 00	73
Upton,	516	857,428 00	50
Uxbridge,	805	2,145,934 00	1 21
Warren,	1,130	2,226,348 00	1 29
Webster,	1,343	2,466,428 00	1 43
Westborough,	1,300	2,712,779 00	1 56
West Boylston,	726	1,172,550 00	69
West Brookfield,	497	873,234 00	51
Westminster,	461	833,145 00	48
Winchendon,	1,107	1,940,556 00	1 13
Worcester,	17,641	49,756,155 00	27 96
Total,	63,519	\$147,215,670 00	\$83 87

Recapitulation
by counties.

RECAPITULATION BY COUNTIES.

Barnstable,	8,266	\$18,862,548 00	\$10 75
Berkshire,	17,729	37,746,496 00	21 65
Bristol,	37,291	115,261,045 00	64 42
Dukes,	1,176	3,242,783 00	1 82
Essex,	63,746	180,665,573 00	101 50
Franklin,	9,965	17,387,712 00	10 15
Hampden,	26,958	79,170,005 00	44 37
Hampshire,	11,356	26,896,393 00	15 28
Middlesex,	85,137	293,519,623 00	163 05
Nantucket,	910	2,741,793 00	1 53
Norfolk,	25,709	102,049,508 00	56 30
Plymouth,	21,211	48,988,190 00	27 95
Suffolk,	109,871	733,812 779 00	397 36
Worcester,	63,519	147,215,670 00	83 87
Total,	482,844	\$1,807,560,118 00	\$1,000 00

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1883.

AN ACT TO AUTHORIZE THE TOWN OF WESTFIELD TO ISSUE NEW WATER BONDS.

*Chap. 72**Be it enacted, etc., as follows:*

SECTION 1. The town of Westfield is authorized to issue new bonds, signed by the treasurer of said town and countersigned by the chairman of the board of water commissioners, to be denominated "Westfield Water Bonds," to an amount not exceeding one hundred thousand dollars, payable at periods not exceeding twenty years from the first day of April in the year eighteen hundred and eighty-four, with interest payable semi-annually at a rate not exceeding six per cent. per annum; and said town may sell said bonds at public or private sale, or pledge the same for money borrowed, upon such terms and conditions as it may deem proper, for the purpose of paying bonds issued by said town under the authority of chapter three hundred and twenty-two of the acts of the year eighteen hundred and seventy-three, which become due on the first day of April aforesaid, to the amount of one hundred thousand dollars, and may raise money by taxation to pay said bonds and interest thereon when due.

May issue new water bonds.

Bonds may be sold at public or private sale.

SECTION 2. The town before the bonds are issued shall provide for their payment either according to the provisions of section twelve of chapter twenty-nine of the Public Statutes or according to the provisions of chapter one hundred and thirty-three of the acts of the year eighteen hundred and eighty-two; but said town shall not raise more than ten thousand dollars in any one year towards payment of the principal of said bonds except the year in which the same or any part thereof may become due.

Payment to be provided for before bonds are issued.

Approved March 24, 1883.

AN ACT RELATIVE TO THE RECORDING OF MORTGAGES OF PERSONAL PROPERTY.

*Chap. 73**Be it enacted, etc., as follows:*

Chapter one hundred and ninety-two of the Public Statutes is amended by striking out the first and second sections thereof and substituting the following:—"Section 1. Mortgages of personal property shall be recorded on the records of the city or town where the mortgagor resides when the mortgage is made, and on the records of the city or town in which he then principally transacts his business or follows his trade or calling. If the mortgagor resides out of the Commonwealth, his mortgage of personal property which is within the Commonwealth when

Recording mortgages of personal property.

When the mortgagor resides out of the Commonwealth.

the mortgage is made, shall be recorded on the records of the city or town where the property then is. Every mortgage of personal property shall be recorded within fifteen days from the date written in such mortgage, and when such a mortgage is required to be recorded in two different places, and is recorded in one of such places within said fifteen days, it may be recorded in the other within ten days from the date of the first record. Section 2. Until a mortgage of personal property has been recorded as provided in the preceding section, it shall not be valid against any person other than the parties thereto, unless the mortgaged property is delivered to and retained by the mortgagee; and any record of a mortgage made subsequently to the times limited in said section shall be void and of no effect."

Approved March 24, 1883.

Until recorded
not valid against
other than
parties to mort-
gage.

Chap. 74 AN ACT IN RELATION TO THE TAXATION OF FOREIGN MINING, QUARRYING AND OIL COMPANIES.

Be it enacted, etc., as follows:

Taxation of for-
eign mining,
quarrying and
oil companies.

SECTION 1. Section four of chapter one hundred and six of the acts of the year eighteen hundred and eighty-two, relating to the payment by foreign mining, quarrying and oil companies of taxes upon their capital stock, is amended by striking out the words "as standing fixed" in the fifth and sixth lines, and inserting in place thereof the words "paid in in cash or otherwise or called in by assessment or instalment."

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1883.

Chap. 75 AN ACT RELATIVE TO THE DISTRICT COURT OF HAMPSHIRE AND THE SALARY OF THE JUSTICE THEREOF.

Be it enacted, etc., as follows:

Salary of justice.

SECTION 1. The salary of the justice of the district court of Hampshire shall be twenty-three hundred dollars per annum.

Terms of court
at Cummington.

SECTION 2. The terms of said court now required to be held in the town of Cummington may be held or not, in the discretion of said justice.

To take effect
May 1, 1883.

SECTION 3. This act shall take effect upon the first day of May in the year eighteen hundred and eighty-three.

Approved March 24, 1883.

AN ACT IN ADDITION TO AN ACT TO REGULATE THE TAKING OF FISH IN NORTH RIVER IN THE COUNTY OF PLYMOUTH.

Chap. 76

Be it enacted, etc., as follows:

SECTION 1. Whoever sets a seine or casts a mesh net in the North River in Plymouth County, or whoever by seine or mesh net takes any fish from said North River, except such persons as have authority so to do under chapter forty-four of the acts of the year eighteen hundred and eighty-one, shall be punished for each offence by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the house of correction not less than one nor more than three months.

Taking fish in North River regulated.

SECTION 2. Section four of chapter forty-four of the acts of the year eighteen hundred and eighty-one is hereby amended by inserting after the word "fish," in the second line, the words "from two o'clock in the morning until sunset."

Amendment to 1881, 44, § 4.

Approved March 24, 1883.

AN ACT TO PREVENT THE WILFUL DETENTION OF BOOKS, NEWSPAPERS, MAGAZINES, PAMPHLETS, OR MANUSCRIPTS OF CERTAIN LIBRARIES.

Chap. 77

Be it enacted, etc., as follows:

SECTION 1. Whoever wilfully and maliciously or wantonly and without cause detains any book, newspaper, magazine, pamphlet, or manuscript belonging to a law, town, city or other public or incorporated library, for thirty days after notice in writing, from the librarian of such library, given after the expiration of the time which by the regulations of such library such book, newspaper, magazine, pamphlet, or manuscript may be kept, shall be punished by a fine of not less than one nor more than twenty-five dollars, or by imprisonment in the jail not exceeding six months.

Penalty for detaining books, etc., for 30 days after notice given.

SECTION 2. The notice required by the foregoing section shall bear upon its face a copy of this act.

Notice to contain copy of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1883.

AN ACT TO PROVIDE FOR THE DISCHARGE OR TEMPORARY RELEASE OF INMATES OF INSTITUTIONS FOR THE INSANE.

Chap. 78

Be it enacted, etc., as follows:

SECTION 1. The board of trustees of any of the state lunatic hospitals or of the Massachusetts General Hospital may by vote confer on the superintendent of the hospital or asylum under their control, authority to discharge

Discharge of inmates from lunatic hospitals by superintendents.

therefrom any inmate thereof committed thereto as an insane person, provided due written notice of intention so to discharge shall be sent by said superintendent to the person or persons who originally signed the petition for the commitment of such inmate.

Temporary absence from hospital by permission of superintendent.

SECTION 2. Said superintendent may also, when he shall deem it advisable, permit any such inmate to leave the hospital or asylum temporarily in charge of his guardian, relatives or friends, for a period not exceeding sixty days, and receive him when returned by such guardian, relatives or friends within such period, without any further order of commitment. *Approved March 24, 1883.*

Chap. 79 AN ACT RELATING TO THE COMMISSIONERS OF THE PUBLIC LANDS FUND.

Be it enacted, etc., as follows:

Sinking fund for harbor improvement loan.

SECTION 1. So much of the commissioners of public lands fund established by section three of chapter two hundred of the acts of the year eighteen hundred and sixty, as is not required to meet special appropriations for filling the Back Bay lands, shall be reserved and managed as a sinking fund to be applied to the redemption at maturity of the scrip authorized by section two of chapter one hundred seventy-one of the acts of the year eighteen hundred and seventy-six, commonly called the harbor improvement loan.

SECTION 2. This act shall take effect upon its passage. *Approved March 24, 1883.*

Chap. 80 AN ACT PROVIDING FOR A CLERK FOR THE DISTRICT COURT OF HAMPSHIRE.

Be it enacted, etc., as follows:

Clerk to be appointed.

SECTION 1. There shall be a clerk for the district court of Hampshire who shall be appointed in accordance with the provisions of law relating to the appointment of clerks of police and district courts, and who shall enter upon his duties on the first day of May in the year eighteen hundred and eighty-three.

Salary.

SECTION 2. Said clerk shall receive from the county of Hampshire an annual salary of six hundred dollars.

Subject to laws applicable to clerks, except, etc.

SECTION 3. Said clerk shall be subject to all the provisions of law applicable to clerks of police and district courts except as provided in the following section.

Not to attend other than at Northampton unless requested by justices.

SECTION 4. Said clerk shall not attend the sessions of said court held at any other places than Northampton

unless requested so to do by the justice thereof. When said clerk is not so requested, the justice shall keep a record of the proceedings had before him, which he shall transmit to said clerk to be entered by him upon the docket and records of said court. Said justice shall also account with and pay over to the said clerk all fines, costs and fees received by him.

When not requested, record to be kept by justice.

SECTION 5. Said clerk shall have power to receive complaints and issue warrants returnable to said court, and also to take bail in cases pending therein.

May receive complaints, issue warrants, and take bail.

SECTION 6. This act shall take effect upon its passage.

Approved March 24, 1883.

AN ACT FOR THE BETTER PROTECTION OF PROPERTY OF CERTAIN LIBRARIES.

Chap. 81

Be it enacted, etc., as follows:

SECTION 1. Section seventy-nine of chapter two hundred and three of the Public Statutes is hereby amended so as to read as follows:—Whoever wilfully and maliciously or wantonly and without cause writes upon, injures, defaces, tears or destroys a book, plate, picture, engraving, map, newspaper, magazine, pamphlet, manuscript, or statue belonging to a law, town, city or other public or incorporated library, shall be punished by a fine of not less than five nor more than fifty dollars, or by imprisonment in the jail not exceeding six months.

Penalty for defacing books in certain libraries.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1883.

AN ACT TO AUTHORIZE THE CITY OF HAVERHILL TO CONSTRUCT A WHARF AND A BRIDGE OVER LITTLE RIVER.

Chap. 82

Be it enacted, etc., as follows:

SECTION 1. The city of Haverhill may construct a wharf at the outlet of Little River, between Washington Square and the Merrimack River in said city, and may extend the same southerly from the stone abutment on the southerly side of said square a distance not exceeding two hundred and fifty-five feet or to such a line as may be established as a harbor line for said city; may construct a stone bridge over said Little River for a part or the whole of said distance, and may close and discontinue any highways or landings thereon, except the highway, if any, on the westerly side of said Little River: *provided*, said city shall construct and maintain a slip or landing at the Merrimack River, with access thereto from said Washington

City of Haverhill may construct a wharf at outlet of Little River.

May construct a stone bridge.

Proviso.

Square, convenient for public use; but all constructions and extensions shall be subject to the provisions of chapter nineteen of the Public Statutes.

Bridge may be erected when authorized by a majority vote.

SECTION 2. This act shall not authorize the erection of any structure on the premises mentioned in section one except such as may be necessary in the construction of said wharf and slip or landings, until a majority of the voters of said city, present and voting thereon at a legal meeting called for the purpose, shall vote in favor thereof.

Repeal of 1882, 202.

SECTION 3. Chapter two hundred and two of the acts of the year eighteen hundred and eighty-two, entitled "An Act to authorize the city of Haverhill to construct a wharf and a bridge over Little River," is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1883.

Chap. 83

AN ACT CONCERNING THE PROPRIETORS OF THE MEETING-HOUSE IN HOLLIS STREET, IN BOSTON.

Be it enacted, etc., as follows:

May sell its real estate in Boston

SECTION 1. The Proprietors of the Meeting-house in Hollis Street, a corporation established in Boston by an act passed on the fourth day of March in the year eighteen hundred and nine, may sell at private sale or public auction, and convey, without responsibility on the part of the purchaser or purchasers for the application of the purchase money, any real estate which it now holds in Boston, and may execute and deliver any conveyances necessary to complete such sales.

May hold real estate in any part of Boston.

SECTION 2. Said corporation may hereafter acquire and hold by purchase or otherwise, and occupy for the purposes for which it was incorporated, real estate in any part of the city of Boston, and may continue to enjoy its existing rights, privileges and immunities, except so far as it may have parted with the same under the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1883.

Chap. 84

AN ACT PERMITTING MUNICIPAL OFFICERS TO AUTHORIZE MANUFACTURERS TO RING BELLS AND USE WHISTLES AND GONGS FOR THE BENEFIT OF THEIR WORKMEN.

Be it enacted, etc., as follows:

May notify workmen by ringing bells, etc., with approval of selectmen, etc.

SECTION 1. Manufacturers and others employing workmen are authorized, for the purpose of giving notice to such employees, to ring bells and use whistles and gongs

of such size and weight, in such manner and at such hours as the board of aldermen of cities and the selectmen of towns may in writing designate.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1883.

AN ACT TO RATIFY AND CONFIRM A CONTRACT BETWEEN THE QUANNAPOWITT WATER COMPANY AND THE TOWN OF STONEHAM.

Chap. 85

Be it enacted, etc., as follows:

SECTION 1. The contract made between the Quannapowitt Water Company, a corporation established by chapter three hundred and thirty-five of the acts of the year eighteen hundred and seventy-two, and the town of Stoneham, bearing date the twenty-sixth day of January eighteen hundred and eighty-three, whereby said water company agrees to construct water works and supply water to the inhabitants of the town of Stoneham, and allow the towns of Stoneham and Wakefield to purchase the franchise and water works of said water company, on certain terms and conditions named in said contract, is ratified and confirmed.

Contract between the Quannapowitt Water Company and the town of Stoneham, ratified.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1883.

AN ACT IN RELATION TO THE UNIVERSALIST PUBLISHING HOUSE.

Chap. 86

Be it enacted, etc., as follows:

SECTION 1. The Universalist Publishing House, incorporated by chapter two hundred and eighty-six of the acts of the year one thousand eight hundred and seventy-two, is hereby authorized to furnish, from the profits of its business, pecuniary aid to the religious organizations of the Universalist denomination.

May aid Universalist religious organizations.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1883.

AN ACT TO AUTHORIZE THE MAYOR AND ALDERMEN OF SOMERVILLE TO CONSTRUCT A SEWER IN CAMBRIDGE AND CRESCENT STREETS IN BOSTON.

Chap. 87

Be it enacted, etc., as follows:

SECTION 1. The mayor and aldermen of the city of Somerville are hereby authorized to construct and maintain a common sewer which shall extend from any point in Pearl street or Crescent street in Somerville through any portion of said streets, or either of them, into Cres-

Mayor and aldermen of Somerville may maintain a sewer through Charlestown district in Boston.

cent street and Cambridge street in that part of Boston formerly known as Charlestown, and thence into Washington street in Somerville, so as to connect with the present main drain or common sewer in the last named street.

Assessments for betterments.

SECTION 2. The mayor and aldermen, under the provisions of chapter fifty of the Public Statutes, may assess a proportional part of the charge of such construction upon such estates in Somerville as are benefited thereby; which assessments shall constitute a lien on the estates assessed and be enforced in the manner provided in said chapter and with the same rights reserved to persons aggrieved by such assessments as are therein provided.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1883.

Chap. 88

AN ACT TO INCORPORATE THE AMES FREE LIBRARY OF EASTON.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Frederick L. Ames, Cyrus Lothrop, William L. Chaffin, George W. Kennedy and Lincoln S. Drake, trustees under the will of Oliver Ames, deceased, and holding property, real and personal, under said will, for the purpose of maintaining a free public library in the town of Easton, and their successors in said trust, are hereby made a corporation under the name of the Ames Free Library of Easton, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

Gifts, grants, etc., to be devoted to purposes, for which made.

SECTION 2. Said corporation may hold real and personal property for the purpose aforesaid to the amount of one hundred thousand dollars. All gifts, devises, bequests and grants to said corporation, shall be devoted to such purposes, and used in conformity with and held upon the conditions, upon which such gifts, devises, bequests or grants have been or may hereafter be made: *provided*, that such conditions are not inconsistent with the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1883.

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE ATTLEBOROUGH WATER SUPPLY DISTRICT IN ATTLEBOROUGH.

Chap. 89

Be it enacted, etc., as follows:

SECTION 1. The meetings heretofore held by the inhabitants of the Attleborough water supply district in Attleborough, under and by virtue of chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-three and the by-laws of said district, the votes and proceedings of said meetings, and all bonds and contracts authorized by said act and by vote of any such meetings, are hereby ratified, confirmed and made valid so far as the same may have been invalid or defective because the records of said meetings do not show —

Proceedings confirmed and made valid.

First, That the meetings of said district have always been called and warned strictly in conformity with the provisions of said act and the by-laws of said district. *Second*, That said act was accepted by two-thirds of the voters present and voting thereon as required by said act. *Third*, That the clerks of said district were always duly sworn to the faithful discharge of their duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1883.

AN ACT REGULATING THE DISPOSITION OF THE SURPLUS OF THE COAST DEFENCE LOAN SINKING FUND.

Chap. 90

Be it enacted, etc., as follows:

SECTION 1. The provisions of section one of chapter one hundred sixty-six of the acts of the year eighteen hundred and sixty-eight, entitled “An Act in relation to certain sinking funds of the Commonwealth,” are hereby extended and shall govern the disposition of the surplus, if any, of the fund created by said section after the extinguishment of the debt which it was created to secure.

Coast defence loan sinking fund.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1883.

AN ACT RELATING TO THE DUTIES OF ASSESSORS OF TAXES.

Chap. 91

Be it enacted, etc., as follows:

SECTION 1. The returns and copies of assessors' books, required by sections fifty-four and fifty-five of chapter eleven of the Public Statutes to be deposited by the assessors in the office of the secretary of the Commonwealth, shall hereafter be deposited as follows: Copies of the assessors' books shall be deposited as required on or before

Returns, and copies of valuation books to be deposited in the office of the secretary of the Commonwealth.

the first day of October in the year eighteen hundred and eighty-three and in every third year thereafter; and in such years the secretary of the Commonwealth shall furnish to the cities and towns duplicate copies of the blank books required for this purpose. And the other returns specified in said sections shall be so deposited on or before the first day of October in each year: *provided*, that in the case of the city of Boston all said returns may be deposited in the office of the secretary on or before the first day of November in the several years respectively.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1883.

Chap. 92 AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO CONSTRUCT A BRIDGE ACROSS TAUNTON GREAT RIVER.

Be it enacted, etc., as follows:

City may construct a bridge across Taunton Great River.

SECTION 1. The city of Taunton is hereby authorized, subject to the provisions of chapter nineteen of the Public Statutes, to construct and maintain a safe and convenient bridge across Taunton Great River from a point at or near Dean's wharf, so called, on Dean street in said Taunton, to a point opposite or nearly opposite on the southerly bank of said river; and the said city of Taunton is further authorized to do such acts as may be necessary or convenient in the premises to provide for public travel over said bridge and for the navigation of said river at said bridge.

May take land or other property. Damages.

SECTION 2. Said city may take such land or other property as it may deem necessary to carry into full effect the provisions of the preceding section; and any person injured in his property under this act and failing to agree with said city as to the amount of damages may have the same assessed and determined in the same manner as is provided where land is taken for highways.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1883.

Chap. 93 AN ACT RELATING TO APPLICATIONS FOR, AND THE GRANTING OF LICENSES TO SELL INTOXICATING LIQUORS.

Be it enacted, etc., as follows:

Applications for granting of licenses to sell intoxicating liquors.

SECTION 1. In any city or town which has voted, or which may hereafter vote, in accordance with section five of chapter one hundred of the Public Statutes, to authorize the granting of licenses for the sale of intoxicating liquors for the year commencing on the first day of May

following, the licensing board of such city or town may, during the months of March and April preceding said first day of May, receive applications for such licenses, publish, investigate and act upon, such applications, and may, during the said month of April, grant any such license to take effect on the said first day of May.

Licenses may be granted in April to take effect in May.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twenty-third day of March, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT TO AUTHORIZE THE CITY OF FITCHBURG TO ISSUE ADDITIONAL WATER SCRIP.

Chap. 94

Be it enacted, etc., as follows:

SECTION 1. The city of Fitchburg, for the purposes mentioned in section nine of chapter ninety-five of the acts of the year eighteen hundred and seventy, may issue notes, scrip or certificates of debt, signed by the treasurer and countersigned by the mayor, to be denominated on the face thereof "Fitchburg Water Scrip," to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by the town of Fitchburg and the said city, for the same purposes; said notes, scrip or certificates of debt to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the "Fitchburg Water Scrip," by the town of Fitchburg: *provided*, that the whole amount of such notes, scrip or certificates of debt issued by said city, together with those issued by said town for the same purposes, shall not in any event exceed the amount of five hundred thousand dollars.

May issue additional water scrip.

Whole amount not to exceed \$500,000.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1883.

AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO ISSUE ADDITIONAL WATER BONDS.

Chap. 95

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford, for the purposes mentioned in section eleven of chapter one hundred and sixty-three of the acts of the year eighteen hundred and sixty-three, may issue from time to time scrip, notes or certificates of debt, to be denominated on the face thereof "Water Bonds of the City of New Bedford," to an

May issue additional water bonds.

amount not exceeding two hundred and fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said city for the same purposes; said scrip, notes or certificates to be issued upon the same terms and conditions, and with the same powers as are provided in said chapter one hundred and sixty-three for the issue of the "Water Bonds of the City of New Bedford," by said city: *provided*, that the whole amount of such scrip, notes or certificates issued by said city, together with those heretofore issued by said city for the same purposes, shall not in any event exceed the amount of ten hundred and fifty thousand dollars.

Whole amount
not to exceed
\$1,050,000.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1883.

Chap. 96 AN ACT TO AUTHORIZE THE TOWN OF CONCORD TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

May make ad-
ditional water
loan.

SECTION 1. The town of Concord, for the purposes mentioned in section four of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two, may issue notes, bonds or scrip, to be denominated on the face thereof "Concord Water Loan," to an amount not exceeding twenty-five thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said notes, bonds or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the "Concord Water Loan," by said town: *provided*, that the whole amount of such notes, bonds or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of one hundred and twenty-five thousand dollars.

Whole amount
not to exceed
\$125,000.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1883.

Chap. 97 AN ACT PROVIDING FOR A CLERK FOR THE SECOND DISTRICT COURT OF EASTERN MIDDLESEX.

Be it enacted, etc., as follows:

Clerk to be ap-
pointed.

SECTION 1. Hereafter there shall be a clerk of the second district court of eastern Middlesex, who shall be appointed in accordance with the provisions of law relating to the appointment of clerks of district courts, and who shall enter upon the discharge of his duties on the

first day of May in the year eighteen hundred and eighty-three.

Subject to law applicable to clerks of district courts.

SECTION 2. Said clerk shall be subject to all the provisions of law applicable to clerks of district courts.

SECTION 3. Said clerk shall receive from the county of Middlesex an annual salary of four hundred dollars.

Salary.

SECTION 4. This act shall take effect upon its passage.

Approved March 30, 1883.

AN ACT RELATING TO THE NAME OF CO-OPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

Chap. 98

Be it enacted, etc., as follows :

SECTION 1. Section three of chapter one hundred and seventeen of the Public Statutes, relative to the name of co-operative saving fund and loan associations, is hereby amended by striking out the words "co-operative saving fund and loan association," in the fourth line and inserting in place thereof the words "co-operative bank."

"Co-operative saving fund and loan associations" to be known as "co-operative banks."

SECTION 2. The title of said chapter one hundred and seventeen of the Public Statutes is hereby amended by striking out the words "Saving Fund and Loan Associations," and inserting in place thereof the word "Banks."

Public Statutes 117. Title amended.

SECTION 3. The names of all co-operative saving fund and loan associations heretofore organized are hereby changed by striking out in each the words "Saving Fund and Loan Association," and inserting in place thereof the word "Bank," and they shall hereafter be known as "Co-operative Banks."

Co-operative Banks.

SECTION 4. The first and second sections of this act shall take effect upon its passage, and the third section upon the first day of July in the year eighteen hundred and eighty-three.

Third section to take effect July 1, 1883.

Approved March 30, 1883.

AN ACT IN RELATION TO THE CUSTODY OF THE ARCHIVES OF MAINE LANDS.

Chap. 99

Be it enacted, etc., as follows :

SECTION 1. The secretary of the Commonwealth shall have the custody of the books of records of grants and conveyances of lands formerly held by the Commonwealth of Massachusetts and now situated within the limits of the state of Maine, and of all other books and records relating to said lands, which are now required by law to be kept in the office of the board of harbor and land com-

Books relating to Maine lands to be kept in the office of the secretary of the Commonwealth.

missioners; and the same shall hereafter be kept in the office of the secretary.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1883.

*Chap.*100

AN ACT REQUIRING MUNICIPAL OR OTHER CORPORATIONS TO MAKE RETURNS OF THE ACCEPTANCE OR FAILURE TO ACCEPT CERTAIN ACTS AND RESOLVES.

Be it enacted, etc., as follows:

Return to be made to the secretary of the Commonwealth of the acceptance or rejection of certain Acts and Resolves.

When an act or resolve takes effect upon its acceptance by a municipal or other corporation, a return of the vote or action taken thereon shall be made by the clerk of such municipal or other corporation, within thirty days of such vote or action, to the secretary of the Commonwealth; and when a time is prescribed in such act or resolve within which it may be accepted and the act or resolve is rejected or no action is taken thereon within the time so prescribed, a return stating such rejection, or a return that no action has been taken, shall be so made within thirty days after the time so prescribed has elapsed.

Approved March 30, 1883.

*Chap.*101

AN ACT RELATING TO THE TIME WITHIN WHICH A CITY OR TOWN SHALL SELL REAL ESTATE HELD UNDER A SALE OR TAKEN FOR NON-PAYMENT OF TAXES.

Be it enacted, etc., as follows:

Time extended, within which real estate taken for taxes, may be sold.

Section fifty-eight of chapter twelve of the Public Statutes, relating to a sale of property held by a city or town under a sale or taken for taxes, is hereby amended by striking out the word "forthwith," in the fourth line and inserting in place thereof the words "within two years thereafter."

Approved March 30, 1883.

*Chap.*102

AN ACT TO PUNISH PERSONS GUILTY OF DISORDERLY CONDUCT ON STEAMBOATS AND OTHER PUBLIC CONVEYANCES.

Be it enacted, etc., as follows:

Disorderly conduct on public conveyances.

Whoever in or upon a steamboat, railroad carriage or other public conveyance is disorderly, or disturbs or annoys travellers in or upon the same by profane, obscene or indecent language, or by indecent behavior, shall be punished by imprisonment in the jail not exceeding thirty days or by fine not exceeding fifty dollars.

Approved March 30, 1883.

AN ACT IN RELATION TO THE BRIDGE ACROSS THE MERRIMACK RIVER IN THE TOWN OF TYNGSBOROUGH.

Chap.103

Be it enacted, etc., as follows :

SECTION 1. The town of Tyngsborough is hereby released and exempted from all obligation to maintain the bridge which was constructed across the Merrimack River in said town, in obedience to the requirements of chapter one hundred and ninety-nine of the acts of the year eighteen hundred and seventy-one; and the county of Middlesex shall hereafter maintain the same.

Town exempted from maintenance of bridge.

County to maintain bridge.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1883.

AN ACT TO ESTABLISH A HARBOR LINE ALONG A PORTION OF THE WATER FRONT OF THE CITY OF HAVERHILL ON THE MERRIMAC RIVER.

Chap.104

Be it enacted, etc., as follows :

SECTION 1. The following described line along a portion of the water front of the city of Haverhill on the Merrimac River, is hereby established as a harbor line beyond which no wharf, pier or other structure shall be extended into or over the tide waters of said river. The said line begins at the south-westerly corner of the wharf known as Chase's wharf, said corner being also at the end of the easterly side line of city landing number eleven and distant, as said side line runs, about one hundred and eighty-seven feet and eight inches from the southerly side of Water street; and thence runs westerly in a straight line to the south-easterly corner of the wharf known as Sargent and Holden's wharf, said corner being about one hundred and ninety-two feet distant southerly from the southerly side of Merrimac street; thence westerly in a straight line to the south-westerly corner of John C. Tilton's wharf, said corner being about one hundred and ninety-two feet and two inches distant southerly from the southerly side of said Merrimac street; thence westerly in a straight line to the south-easterly corner of Alpheus Currier's wharf, said corner being about two hundred and forty-four feet distant southerly from the southerly side of Washington street; thence westerly in a straight line to the south-easterly corner of the stone abutment at the northerly end of the Boston and Maine Railroad bridge across said Merrimac River.

Harbor line established.

SECTION 2. Nothing in this act shall be construed as authorizing the construction or extension of any wharf,

Wharf or other structure not authorized.

pier or other structure, or as giving or confirming a right to maintain any structure, in or over the tide waters of the said Merrimac River, or as reviving or extending any grant or license heretofore made or given; and any license heretofore given to build or extend any structure beyond the harbor line established by this act is hereby revoked.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1883.

Chap.105 AN ACT RELATING TO THE ANNUAL REPORT OF THE BOARD OF CONTROL OF THE AGRICULTURAL EXPERIMENT STATION.

Be it enacted, etc., as follows:

Agricultural
experiment sta-
tion to make
annual report to
board of agri-
culture.

The board of control of the agricultural experiment station shall annually, in the month of January, make a detailed report to the state board of agriculture of all moneys expended by its order, and of the results of the experiments and investigations conducted at said station, with the name of each experimenter attached to the report of his own work.

Approved March 30, 1883.

Chap.106 AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF SCHOOL DISTRICT NUMBER EIGHTEEN IN ATTLEBOROUGH.

Be it enacted, etc., as follows:

Proceedings
confirmed.

SECTION 1. The proceedings of the meetings of the legal voters of school district number eighteen in Attleborough are ratified and confirmed so far as the same may have been defective and invalid for the reason that the warrants calling said meetings were not posted in the places required by the by-laws of said district.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1883.

Chap.107 AN ACT IN RELATION TO DEPOSITS MADE BY FOREIGN INSURANCE COMPANIES WITH THE TREASURER OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

When liabilities
are satisfied,
securities may
be returned.

SECTION 1. Whenever it shall be made to appear to the insurance commissioner that a foreign insurance company which has made a deposit with the treasurer of the Commonwealth under the provisions of section two hundred and eighteen of chapter one hundred and nineteen of the Public Statutes or of any act of which that section is a substitution or continuation, has satisfied all liabilities to policy holders in the United States for whose benefit such deposit was made, the commissioner shall certify such fact to the treasurer of the Commonwealth, who shall

thereupon deliver to the trustees of such company in the United States in whom its property in the United States is vested, the securities and property in which such deposit with him is made.

SECTION 2. The treasurer of the Commonwealth with the consent of the insurance commissioner may from time to time at his discretion, at the request of any such company or of its trustees in the United States entitled to such deposit, change the securities in which such deposit is made for any other securities of equal amount, in par value, in which insurance companies organized under the laws of the Commonwealth are by law at the time of such change authorized to invest their capital, and the securities so substituted shall be subject to the same trusts as the securities for which they are substituted.

Securities may be changed by treasurer upon request of company.

SECTION 3. An insurance company which has made a deposit with the treasurer of the Commonwealth under the provisions of said section two hundred and eighteen or of any act of which that section is a substitution or continuation, the trustees as aforesaid of any such company, or its resident manager in the United States, or the insurance commissioner of the Commonwealth may at any time bring in the supreme judicial court for the county of Suffolk a suit in equity against the Commonwealth and other necessary parties to enforce, administer, or terminate the trust created by the making of such deposit. The process in such suit shall be served on the treasurer of the Commonwealth, who shall appear and answer in its behalf and perform such orders and decrees as the court may make therein.

Suit in equity may be brought to enforce or terminate the trust.

SECTION 4. This act shall take effect upon its passage.

Approved March 30, 1883.

AN ACT TO ENABLE THE CITY OF NEWBURYPORT TO PURCHASE AND HOLD ADDITIONAL STOCK IN THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY.

Chap. 108

Be it enacted, etc., as follows:

SECTION 1. The city of Newburyport is hereby authorized to purchase at par value and hold shares in the capital stock of the Newburyport and Amesbury Horse Railroad Company to an additional amount not exceeding twenty thousand dollars, to pay for the same out of the treasury of said city, and to hold the same as city property subject to the disposition of the said city for pub-

City may take additional stock in the Newburyport and Amesbury Horse Railroad Company.

Proviso.

lie purposes in like manner as any other property it may possess: *provided*, that two-thirds of the legal voters of said city who may be present and voting thereon shall vote so to do at any legal meeting called for the purpose by the mayor and aldermen of said city within ninety days after the passage of this act.

May raise money by loan or tax.

SECTION 2. Said city is hereby authorized to raise by loan or tax the sum of money which may be required to pay for such number of shares of said stock as it may purchase agreeably to the provisions of section one of this act.

Amount not to exceed \$20,000.

SECTION 3. The said city by its mayor shall subscribe for and purchase of said company in behalf of the said city such additional number of shares in the capital stock of said company, not to exceed said twenty thousand dollars, as shall be voted by said city. And the mayor is hereby authorized to cast the vote of the said city in the choice of the directors of said company, and to appear and act in behalf of said city in the transaction of any business of said company so long as said city shall hold shares in said corporation.

Mayor to represent the city in choice of directors, etc.

SECTION 4. This act shall take effect upon its passage.

Approved March 30, 1883.

Chap.109

AN ACT TO CHANGE A PORTION OF THE HARBOR LINE IN GLOUCESTER HARBOR.

Be it enacted, etc., as follows:

Harbor line changed.

SECTION 1. That portion of the harbor line in Gloucester harbor which extends around Duncan's Point and along the northerly side of Harbor Cove, is hereby changed and established as follows:— Beginning at a point in the present harbor line, where the same would be intersected by extending the south-westerly side line of the wharf of the Gloucester Gas Light Company; thence running south-westerly in a straight line to the north-westerly corner of the wharf of Charles Parkhurst; thence running south-westerly in a straight line passing through the south-easterly corner of said last named wharf, to a point twenty feet beyond said south-easterly corner; thence running north-westerly in a straight line drawn towards the south-easterly corner of the wharf of David G. Allen, until it intersects the present harbor line. No wharf, pier or other structure shall hereafter be extended into or over the tide waters of said harbor beyond the line hereby established.

Wharves, etc., not be extended beyond line established.

SECTION 2. So much of chapter one hundred and twenty-four of the acts of the year eighteen hundred and sixty-six, and of chapter eighty-two of the acts of the year eighteen hundred and seventy-five, as establishes a different harbor line between the points of intersection aforesaid, is hereby repealed.

Repeal.

SECTION 3. Nothing in this act shall be construed to authorize the construction or extension of any wharf, pier or other structure, or to give or confirm a right to maintain any structure in said harbor, or to renew or extend any grant or license heretofore made or given; but this act shall be held to revoke any grant or license, which by law is revocable, to do any act or to build any structure in or over the tide waters of said harbor upon that part of the harbor frontage and inside of the line covered and defined by this act.

Wharf or other structure not authorized to be constructed or extended.

SECTION 4. This act shall take effect upon its passage.

Approved March 30, 1883.

AN ACT RELATIVE TO THE TRIAL OF JUVENILE OFFENDERS.

Chap. 110

Be it enacted, etc., as follows:

Section twenty of chapter eighty-nine of the Public Statutes, relating to proceedings in the trial of juvenile offenders, is hereby amended by striking out all after the word "respectively" in the thirteenth line, and adding in the place thereof the following words: "And the court or magistrate when of the opinion that such boy or girl should, if the allegations contained in the complaint be true, be sent to a public institution or committed to the custody of the state board of health, lunacy and charity, shall cause written notice of such complaint to be given by mail or otherwise to the said board which shall have an opportunity to investigate the case, attend the trial and protect the interest of or otherwise provide for the child."

Amendment to P. S. 89, § 20.

[The foregoing was laid before the Governor on the twenty-eighth day of March, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.]

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE MUNICIPAL COURT OF THE WEST ROXBURY DISTRICT OF THE CITY OF BOSTON.

Chap. 111

Be it enacted, etc., as follows:

SECTION 1. The justice of the municipal court of the West Roxbury District of the city of Boston from and

Salary of justice.

after the first day of January in the year eighteen hundred and eighty-three shall receive an annual salary of sixteen hundred dollars.

Repeal.

SECTION 2. So much of section sixty-four of chapter one hundred and fifty-four of the Public Statutes as is inconsistent with this act is repealed.

SECTION 3. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twenty-ninth day of March, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap.112

AN ACT TO INCORPORATE THE HILLSIDE AGRICULTURAL SOCIETY.
Be it enacted, etc., as follows:

Corporators.

SECTION 1. Stephen Hayward, Albert Ford, Alvan Barrus, Franklin J. Warner, J. H. Eager and F. H. Bryant, their associates and successors, of the towns of Cumington, Worthington, Chesterfield, Plainfield, Goshen, Ashfield and Windsor; are hereby made a corporation under the name of the Hillside Agricultural Society, to be located at Cumington, for the encouragement of agriculture, horticulture and the mechanical arts, by premiums and other means, with the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations; and said corporation is hereby authorized to hold by gift, devise or otherwise, real and personal estate to an amount not exceeding five thousand dollars, for the purposes aforesaid.

Name and purpose.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1883.

Chap.113

AN ACT TO DEFINE THE BOUNDARY LINE OF TIDE WATER BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

Be it enacted, etc., as follows:

Boundary line defined.

SECTION 1. The boundary line of tide water between the Commonwealth of Massachusetts and the state of Rhode Island and Providence Plantations, is hereby located and defined as follows: Beginning at the southerly end of the boundary line of land between the said states, as the same is now established by law, and thence running southerly, in a course across and at right angles with the shore line, (which is a line drawn from the headland at Gooseberry Neck, in the former state, to the headland at Warren's

Point, in the latter state), to a point in latitude $41^{\circ} 25' 05''$, longitude $71^{\circ} 05' 28''$ and distant one marine league, southerly, from the said shore line.

SECTION 2. This act shall take effect when the said boundary line, as herein located and defined, has been approved and established by the general assembly of the state of Rhode Island and Providence Plantations.

To take effect when similar act is passed by Rhode Island.

Approved April 7, 1883.

AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO PAY CERTAIN BOUNTIES.

Chap. 114

Be it enacted, etc., as follows:

SECTION 1. The town of Stoneham is authorized, in the manner provided in section two of this act, to raise by taxation a sum of money not exceeding eleven thousand dollars, and appropriate the same to the payment of a bounty of one hundred and twenty-five dollars to each soldier and the heirs of each deceased soldier who served during the late war as part of the quota of said town, and has never received any bounty from said town: *provided*, that said town shall not be re-imbursed by the Commonwealth for any money paid under authority of this act.

May pay bounties to soldiers and their heirs.

SECTION 2. At the annual election in November next a vote may be taken on the question of raising such money and appropriating the same to the payment of such bounties. In taking the vote the check list shall be used. The vote shall be by separate ballot, and the ballots shall be "Yes" or "No" in answer to the question: "Will the town pay a bounty of one hundred and twenty-five dollars to each soldier and the heirs of each deceased soldier who served during the late war as part of the quota of said town, and has never received any bounty from the town, and raise by taxation the sum of eleven thousand dollars and appropriate the same to the payment of said bounties?"

May raise money by taxation.

SECTION 3. This act shall take effect upon its passage.

Approved April 7, 1883.

AN ACT TO INCORPORATE THE TRUSTEES OF THE BOSTON ECCLESIASTICAL SEMINARY.

Chap. 115

Be it enacted, etc., as follows:

SECTION 1. John J. Williams, William A. Blenkinsop, Thomas H. Shahan and John Flatley, their associates and successors, are constituted a body corporate by the name

Corporators.

Name and purpose.

May confer degrees in divinity and philosophy.

of The Boston Ecclesiastical Seminary, for the purpose of establishing and maintaining, in or near the city of Boston, an institution for the promotion of learning and piety and especially for the education of young men for the priesthood in the Roman Catholic Church. Said corporation shall have authority to confer the degrees conferred by educational institutions in divinity and philosophy and may exercise the powers and shall be governed by the provisions and be subject to the liabilities prescribed in chapter one hundred and fifteen of the Public Statutes and all general laws which now are or hereafter may be in force relating to corporations for educational purposes.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1883.

Chap. 116 AN ACT RELATING TO THE INVESTMENT OF THE FUNDS OF THE PROPRIETORS OF FOREST HILLS CEMETERY.

Be it enacted, etc., as follows :

Investment of funds.

SECTION 1. The trustees of the proprietors of Forest Hills Cemetery are hereby authorized to invest the funds in their hands in any securities in which savings banks are now authorized to invest.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1883.

Chap. 117 AN ACT TO PROMOTE SAFETY AT RAILROAD GRADE CROSSINGS.

Be it enacted, etc., as follows :

Gates and flagmen at railroad grade crossings, may be ordered by railroad commissioners.

At any point where a highway, town way or travelled place is crossed at the same level by a railroad, the board of railroad commissioners may, after notice to and hearing of the railroad corporation whose road so crosses, direct in writing that gates shall be erected across said way or place, and that an agent be stationed to open and close such gates when an engine or train passes, or that a flagman be stationed at the crossing, who shall display a flag whenever an engine or a train passes, and the corporation shall comply with such order.

Approved April 7, 1883.

Chap. 118 AN ACT AUTHORIZING THE SECRETARY OF THE COMMONWEALTH TO GRANT LICENSES FOR HAWKING AND PEDDLING TO PERSONS OVER SEVENTY YEARS OF AGE.

Be it enacted, etc., as follows :

Pedlers licenses may be granted, without fee, to

SECTION 1. The secretary of the Commonwealth may grant a special state or county license, in accordance

with the provisions of chapter sixty-eight of the Public Statutes, to any person seventy years of age or upwards, without the payment of any sum therefor upon such person filing in his office a certificate, signed by the mayor of the city or a majority of the selectmen of the town in which such person resides, stating that to the best knowledge and belief of such mayor or selectmen the applicant therein named is of good repute for morals and integrity and is, or has declared his intention to become, a citizen of the United States. The mayor or selectmen before granting such certificate shall require the applicant to make oath that he is the person named therein and that he is, or has declared his intention to become, a citizen of the United States, which oath shall be certified by a justice of the peace and shall accompany the certificate.

persons of
seventy years
and upwards.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1883.

AN ACT TO AUTHORIZE THE TOWN OF MILFORD TO ERECT, FURNISH AND MAINTAIN A MEMORIAL HALL, AND BORROW MONEY THEREFOR.
Be it enacted, etc., as follows:

Chap. 119

SECTION 1. The town of Milford is authorized to erect, furnish and maintain a Memorial Hall in memory of its soldiers and sailors who died in the military and naval service of the United States during the late war: *provided*, said town shall at a legal meeting called for the purpose at any time within two years from the passage of this act vote so to do by a two-thirds vote of the voters present and voting thereon.

May erect a
Memorial Hall.

Proviso.

SECTION 2. For the purposes aforesaid said town is authorized to borrow a sum not exceeding twenty thousand dollars for a period not exceeding five years, which sum with the interest thereon shall be provided for by taxation and paid at maturity.

May borrow
\$20,000.

SECTION 3. The provisions of chapter twenty-nine of the Public Statutes shall apply to said town except so far as they are inconsistent herewith.

Provisions of
P. S. 29 not in-
consistent, to
apply.

SECTION 4. This act shall take effect upon its passage.

Approved April 7, 1883.

AN ACT TO PROVIDE FOR THE PUNISHMENT OF PERSONS PRESENT AT GAMES OR SPORTS IN COMMON GAMING HOUSES.

Chap. 120

Be it enacted, etc., as follows:

Section ten of chapter ninety-nine of the Public Statutes, relating to persons found playing and present at games or

Punishment for
presence at
games, in com

mon gaming
houses.

sports in common gaming houses, is amended by inserting after the words "so playing," in the sixteenth line thereof the words "or so present."

[*The foregoing was laid before the Governor on the fourth day of April 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap.121 AN ACT TO AUTHORIZE THE COMMISSIONERS ON INLAND FISHERIES TO ISSUE PERMITS FOR FISHING IN THE MERRIMACK RIVER.

Be it enacted, etc., as follows:

May permit the
taking of fish in
tidal waters of
Merrimack
River.

SECTION 1. The commissioners on inland fisheries may issue permits for the taking of any variety of fish in the tidal waters of the Merrimack River and its tributaries, the taking of which is now in any way prohibited by law. Such permits shall be revocable at the discretion of said commissioners, and no fee or consideration shall be charged for the issuing of the same.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1883.

Chap.122 AN ACT TO EXEMPT CERTAIN PROPERTY OF THE ARMS LIBRARY, IN SHELburnE, FROM TAXATION.

Be it enacted, etc., as follows:

Books, etc., to
be exempt from
taxation.

The books of the Arms Library in Shelburne and the other property held by the trustees of said library for the benefit thereof shall be exempt from taxation to an amount not exceeding ten thousand dollars in value.

Approved April 11, 1883.

Chap.123 AN ACT TO AUTHORIZE THE TOWN OF NORTHBOROUGH TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

May make ad-
ditional water
loan.

SECTION 1. The town of Northborough, for the purposes mentioned in section four of chapter one hundred and ninety-two of the acts of the year eighteen hundred and eighty-two, may issue bonds, notes or scrip, to be denominated on the face thereof "Northborough Water Loan," to an amount not exceeding ten thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said bonds, notes or scrip to be issued upon the same terms and conditions, and with the same powers as are provided in said act for the issue of the "Northborough Water Loan," by said town: *provided*, that the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore issued

Proviso.

by said town for the same purposes, shall not in any event exceed the amount of sixty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1883.

AN ACT RELATING TO THE REMOVAL AND TRANSPORTATION OF CERTAIN BODIES FOR BURIAL. Chap. 124

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter thirty-two of the Public Statutes, relating to the burial or removal of bodies for burial, is amended by inserting in the eleventh line thereof, after the word "bury," the words "or remove."

Removal of bodies for burial.
P. S. 32 § 5.

SECTION 2. No railroad corporation, or other common carrier or person, shall convey or cause to be conveyed, through or from any city or town in this Commonwealth, the remains of any person who has died of small-pox, scarlet fever, diphtheria, or typhoid fever, until such body has been so encased and prepared as to preclude any danger of communicating the disease to others by its transportation; and no local registrar or clerk shall give a permit for the removal of such body until he has received from the board of health of the city, or the selectmen of the town where the death occurred, a certificate, stating the cause of death, and that said body has been prepared in the manner set forth in this section, which certificate shall be delivered to the agent or person who receives the body.

Removal of bodies of persons who have died of dangerous diseases.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1883.

AN ACT AMENDING SECTION ONE HUNDRED AND SEVENTY-NINE OF CHAPTER ONE HUNDRED AND TWELVE OF THE PUBLIC STATUTES, RELATING TO COLOR BLINDNESS OF RAILROAD EMPLOYEES. Chap. 125

Be it enacted, etc., as follows:

Section one hundred and seventy-nine of chapter one hundred and twelve of the Public Statutes, relating to color blindness of railroad employees, is hereby amended by striking out the word "within," in the third line, and the words "two years next preceding," in the fourth line; also in lines seven, eight and nine the words "and every railroad corporation shall require such employee to be re-examined, at its expense, at least once within every two years."

Examination of railroad employees for color blindness.

Approved April 11, 1883.

Chap.126 AN ACT TO CHANGE THE BASIS UPON WHICH THE INSURANCE COMMISSIONER SHALL COMPUTE THE AMOUNT NECESSARY TO RE-INSURE OUTSTANDING RISKS OF MARINE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Amount necessary for re-insurance of outstanding risks, to be computed upon a new basis.

SECTION 1. Section eleven of chapter one hundred and nineteen of the Public Statutes is amended so as to read as follows: "Section 11. When in determining the liabilities of an insurance company, it is necessary to ascertain the amount necessary to re-insure all its outstanding risks, he shall compute the same by taking fifty per cent. of the amount of premium written in its policies upon outstanding fire and inland risks, and sixty per cent. of the amount of premium written in its marine policies upon yearly risks and risks covering more than one passage, not terminated, and the full amount of premium written in its policies upon all other marine risks not terminated."

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1883.

Chap.127 AN ACT DEFINING THE MEANING OF THE TERM "NET INDEBTEDNESS" IN CERTAIN CASES.

Be it enacted, etc., as follows:

The term "net indebtedness," defined.

SECTION 1. The term "net indebtedness," used of city, town or district in any statute limiting or regulating the investment of sinking, trust and other funds of the Commonwealth, the deposits in savings banks and trust companies or other like funds shall be construed to denote the indebtedness of such city, town or district omitting debt created for supplying the inhabitants with water and deducting the amount of sinking funds available for the payment of such indebtedness.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1883.

Chap.128 AN ACT TO EXTEND THE TIME FOR THE TRANSFER OF LAND ON THE BACK BAY IN BOSTON, FOR THE USE OF THE STATE NORMAL ART SCHOOL.

Be it enacted, etc., as follows:

Time extended for transfer of land.

SECTION 1. The provisions of chapter two hundred and twenty-three of the acts of the year eighteen hundred and eighty, relating to the transfer of land on the Back Bay in Boston to the state board of education for the use of the state normal art school, are hereby extended and continued in force for a further term of three years from the

date of the expiration of the limitation in the act above cited.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the ninth day of April, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT TO AUTHORIZE THE WORCESTER AND NASHUA RAILROAD COMPANY TO UNITE WITH THE NASHUA AND ROCHESTER RAILROAD.

Chap. 129

Be it enacted, etc., as follows:

SECTION 1. The Worcester and Nashua Railroad Company, incorporated by chapter one hundred and two of the acts of the year eighteen hundred and forty-five, is hereby authorized at any time within five years from the passage of this act to unite with the Nashua and Rochester Railroad, a corporation incorporated by the legislature of the state of New Hampshire, upon condition that the holders of shares of the capital stock in the said corporations may, upon surrender of such shares, receive in lieu thereof certificates for an equal number of shares in the corporation to be established under this act, and upon such other equal terms for each such share as may be mutually agreed upon, subject to the provisions of this act, by the written assent or by vote of a majority in interest of the stockholders of each of said corporations at meetings duly called for that purpose; and such written assent or votes so passed by said corporations respectively, shall be effectual to unite said corporations within the intent and meaning of this act; and the corporation so established shall have all the powers and privileges, and be subject to all the duties and liabilities set forth in the Public Statutes, and in all general laws that now are or may hereafter be in force relating to railroad corporations.

May unite at any time within five years.

Powers and duties.

SECTION 2. If such union takes place as is provided for in this act, the corporation so established shall have, hold and possess all the powers, privileges, rights, franchises, property, claims and demands which at the time of such union may be held and enjoyed by the said existing corporations, and be subject to all the duties, restrictions, obligations, debts and liabilities to which at the time of the union either of said corporations is subject; and all suits at law or in equity, and all proceedings before any tribunal which may be pending, to which either corpora-

New corporation to have all property, franchises, etc., of existing corporations.

tion is a party, may be prosecuted and defended by the corporation hereby authorized to be established in the same manner and with the same effect as might have been done had such union not been formed. All claims and contracts, and rights and causes of action at law or in equity of or against either corporation, may be enforced by suit or action to be commenced and prosecuted by or against the corporation to be established under this act as aforesaid.

First meeting of existing corporations for purpose of effecting union.

SECTION 3. The first meeting of the corporation hereby authorized to be established may be called by the presidents of the said existing corporations or by either of them, and fourteen days notice shall be given of the time and place of said meeting, by publication in one or more newspapers in Boston and Worcester, and in Nashua and Rochester in the state of New Hampshire; and at said meeting persons and corporations holding stock in either of the component corporations shall be entitled to one vote for each share of capital stock held by them. The officers respectively of the said existing corporations shall continue to exercise in behalf of the corporation so established all the rights and powers which they now exercise till the said new corporation shall be organized.

Corporations to continue until union is perfected.

SECTION 4. After the organization of the corporation established under this act, each of the said existing corporations shall continue for the purpose of perfecting the said union, and doing all such acts and things, if any, as may be necessary therefor, and shall execute all such transfers, assignments and conveyances as the corporation established under this act may deem necessary or expedient to cause to vest in itself any property, estates, contracts, rights or claims, if any there be, which do not vest in it by authority of this act.

Name of new corporation.

SECTION 5. The corporation established as aforesaid shall be called the Worcester, Nashua and Rochester Railroad Company, or by such other name as the directors of the said existing corporations may deem best; and the capital stock of the said new corporation shall not exceed the capital stock of both the existing corporations as heretofore authorized by the legislatures of this Commonwealth and of the state of New Hampshire.

SECTION 6. This act shall take effect upon its passage.

[The foregoing was laid before the Governor on the tenth day of April, 1883, and after five days it had the "force of a law"]

as prescribed by the Constitution, as it was not returned by him with his objections within that time.]

AN ACT TO RELIEVE THE CITY OF SPRINGFIELD AND THE TOWNS OF WEST SPRINGFIELD AND AGAWAM FROM CERTAIN FORFEITURES.

Chap.130

Be it enacted, etc., as follows :

SECTION 1. The city of Springfield, the towns of West Springfield and Agawam, are relieved from all forfeitures that may have been heretofore incurred by reason of non-compliance with the provisions of section twenty-six of chapter fifty-three of the Public Statutes.

Relieved from certain forfeitures.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1883.

AN ACT AUTHORIZING THE TOWN OF WALTHAM TO LAY OUT AND CONSTRUCT A TOWNWAY THROUGH A CEMETERY.

Chap.131

Be it enacted, etc., as follows :

SECTION 1. The selectmen of the town of Waltham are hereby authorized to lay out a townway for the use of said town in, upon and through so much of the enclosure now used for the burial of the dead in said town, known as the Church Street Catholic Cemetery, and adjoining Church street, so called, on the easterly side thereof, as shall be necessary in order to widen said street adjoining said enclosure, on the side of said street next to said enclosure, to the width of forty-six feet, measuring from the westerly line of said street as now located ; and said town is hereby authorized to accept and allow such laying out, and to establish the townway so laid out, at a public meeting of the inhabitants of said town regularly warned and notified therefor, and to construct said townway if the laying out of the same is accepted and allowed as aforesaid.

Selectmen may lay out a townway through a cemetery.

SECTION 2. The selectmen of said town shall fix the time for removing the bodies of deceased persons buried within the limits of the townway hereby authorized to be laid out, and shall give notice thereof, by posting up notices in three public places in said town, thirty days at least before the time fixed for said removal, and by publishing said notice three weeks successively in one weekly and one daily newspaper, printed in the county of Middlesex, the last publication to be ten days at least before the time fixed for said removal ; and also by mailing a copy of said notice to the friends or next of kin of such deceased persons, whose residence is known.

To fix time for removal of bodies.

Town to cause all bodies to be removed before townway is laid out.

SECTION 3. The said town, before it constructs said townway hereby authorized to be laid out, or enters upon the same for the purpose of constructing it, shall remove, or cause to be removed, all bodies of deceased persons buried within the limits of the townway hereby authorized to be laid out, to some other part of said enclosure, or to the enclosure now used for the burial of dead, situated in said town, and known as Calvary Cemetery, and re-inter the same therein, which removal and re-interment said town is hereby authorized to make.

Damages and expenses of removal and re-interment.

SECTION 4. In addition to the damages required by law to be awarded in the laying out of townways, said town shall pay all the expenses of said removal and re-interment, including the expense of purchasing new lots or lot for the re-interment of said bodies; and for the payment of said expenses said town is hereby authorized to grant, vote and raise by taxation or otherwise, such sums as it shall judge necessary therefor.

May raise money, etc.

SECTION 5. This act shall take effect upon its passage.

Approved April 18, 1883.

Chap. 132 AN ACT TO SUPPLY THE TOWN OF COTTAGE CITY WITH WATER.
Be it enacted, etc., as follows:

Water supply for town of Cottage City.

SECTION 1. The town of Cottage City may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, re-locate or discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

May take and hold water of Norton's Pond.

SECTION 2. The said town for the purposes aforesaid may take, by purchase or otherwise, and hold the water of Norton's Pond, so called, with the water rights connected therewith, and of any other water sources within the limits of said town, and the water rights connected with any such water sources, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over

May construct and lay down conduits, pipes, and other works.

any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands or ways, in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said town shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

A description of land, etc., taken, to be filed and recorded in the registry of deeds.

SECTION 4. The said town shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person, sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Damages to be paid by the town.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue, from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Cottage City Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceed-

Application for damages not to be made until water is actually taken.

Cottage City water loan.

ing six per centum per annum, and shall be signed by the treasurer of the town, and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

Sinking fund to be provided.

The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Money sufficient for annual expenses and interest to be raised by taxation.

SECTION 6. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for diverting or polluting water.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Board of water commissioners to be elected.

SECTION 8. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by

Powers.

its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term, by said town, at any legal town meeting called for the purpose.

Vacancy.

SECTION 9. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for the purpose, within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Subject to acceptance by a two-thirds vote.

Approved April 18, 1883.

AN ACT IN REGARD TO APPEALS FROM ORDERS PASSED BY BOARDS OF HEALTH.

Chap. 133

Be it enacted, etc., as follows:

SECTION 1. Section eighty-eight of chapter eighty of the Public Statutes, relating to appeals from orders passed by boards of health, is amended by inserting after the word "where," in the fourth line thereof, the following words: — "the premises are located with reference to which."

Appeals from orders passed by boards of health. P. S. 80, § 88.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1883.

AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO INVEST IN THE BONDS AND NOTES OF THE OLD COLONY RAILROAD COMPANY.

Chap. 134

Be it enacted, etc., as follows:

SECTION 1. Savings banks and institutions for savings may invest in bonds or notes of the Old Colony Railroad Company issued according to law notwithstanding the mortgages on that part of its railroad formerly belonging to the Boston, Clinton, Fitchburg and New Bedford Railroad Company.

Savings banks may invest in bonds, etc., of Old Colony Railroad.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1883.

AN ACT CONCERNING COMMISSIONERS OF SINKING FUNDS IN THE CITY OF BROCKTON.

Chap. 135

Be it enacted, etc., as follows:

SECTION 1. Whenever the city of Brockton shall elect a board of commissioners of sinking funds in accordance with the provisions of section ten of chapter twenty-nine

Commissioners of sinking funds in Brockton.

of the Public Statutes, all the powers and authority now vested in the board of water commissioners of said city as trustees of the sinking fund relating to the Brockton water loan shall be transferred to and vest in the said board of sinking fund commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1883.

Chap.136 AN ACT TO AMEND THE CHARTER OF THE CITY OF BROCKTON RELATIVE TO THE ELECTION OF SCHOOL COMMITTEE AND ASSISTANT ASSESSORS.

Be it enacted, etc., as follows:

School committee and assistant assessors in Brockton.

SECTION 1. Section twenty-three of chapter one hundred and ninety-two of the acts of the year eighteen hundred and eighty-one entitled "An Act to establish the city of Brockton," is hereby amended by striking out all of said section after the word "annual," in the third line, and substituting in place thereof the words "election, the vacancies occurring by such failure shall be filled in the case of the school committee by a joint ballot of the city council and school committee, and in the case of the assistant assessors by a joint ballot of the city council."

To take effect upon acceptance.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city of Brockton.

Approved April 23, 1883.

Chap.137 AN ACT TO AUTHORIZE THE TOWN OF NAHANT TO SUPPLY ITS INHABITANTS WITH WATER FOR DOMESTIC PURPOSES.

Be it enacted, etc., as follows:

Water supply for Nahant.

SECTION 1. The town of Nahant may supply its inhabitants with water for domestic purposes, from any water sources belonging to said town: *provided*, that nothing herein contained shall authorize the taking of any land for such purpose.

Selectmen to make regulations.

SECTION 2. The selectmen of said town may regulate the use of such water, and establish and collect rates to be paid for the use of the same.

SECTION 3. This act shall take effect upon its passage.

Approved April 23, 1883.

Chap.138 AN ACT RELATIVE TO NOTICES FROM LOCAL BOARDS OF HEALTH IN CASES OF SMALL-POX.

Be it enacted, etc., as follows:

Boards of health to notify state board of cases of small-pox.

SECTION 1. When the board of health of any city or town has had notice of the occurrence of a case of small-

pox in such city or town, such board of health shall, within twenty-four hours after the receipt of such notice, notify the state board of health, lunacy and charity of the same.

SECTION 2. If the board of health of the city or town, in which a case of small-pox has occurred, refuses or neglects to send a notice as required in section one, such city or town shall forfeit its claim upon the Commonwealth, for the payment of any expenses which may be incurred, as provided in section eighty-three of chapter eighty of the Public Statutes.

Town to forfeit claim for expenses if notice is not given.

Approved April 23, 1883.

AN ACT TO CHANGE THE NAME OF THE QUANNAPOWITT WATER COMPANY AND TO AUTHORIZE SAID CORPORATION TO ISSUE BONDS AND TO SECURE THE SAME BY MORTGAGE.

Chap.139

Be it enacted, etc., as follows :

SECTION 1. The corporate name of the Quannapowitt Water Company, incorporated by chapter three hundred and thirty-five of the acts of the year eighteen hundred and seventy-two, is hereby changed to the "Wakefield Water Company."

Name changed.

SECTION 2. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding two hundred thousand dollars.

May issue bonds and secure by mortgage.

SECTION 3. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the eighteenth day of April, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT IN RELATION TO WARREN BRIDGE.

Chap.140

Be it enacted, etc., as follows :

SECTION 1. The city of Boston may make such changes in the location of Warren Bridge, or any part thereof, and the approaches thereto, as the public convenience and necessity may require ; and may re-construct said bridge with a width not exceeding eighty feet, or construct a new bridge and approaches thereto not exceeding the aforesaid width in any new location so made ; and for such purposes the said city may take lands and other property as it may deem necessary.

Location may be changed.

Old bridge may be re-constructed or new bridge built.

SECTION 2. All the right, title and interest of the Commonwealth in and to the said Warren Bridge, the approaches thereto, and the materials of which it is composed, are hereby transferred to the city of Boston.

Commonwealth's right transferred to city of Boston.

Subject to P. S.
19.

SECTION 3. In the exercise of the powers granted by this act, the city of Boston shall be subject to the provisions of chapter nineteen of the Public Statutes, and to all general laws applicable thereto.

A description of
land taken to be
filed and re-
corded in the
registry of
deeds.

SECTION 4. The said city shall, within thirty days after it takes any land under this act, file in the registry of deeds for the county of Suffolk, and cause to be recorded therein, a description of the land so taken as certain as is required in a conveyance of land, with a statement of the purpose for which such land is taken; which description and statement shall be signed by the mayor of said city. The said city shall be liable to pay all damages sustained by any person in his property by reason of the taking of land or other property as aforesaid, and in case the parties cannot agree, the damages shall be assessed by a jury at the bar of the superior court for the county of Suffolk on petition, to be filed in the office of the clerk of said court within two years next succeeding the filing of the description before mentioned, and sections twenty-eight and twenty-nine of chapter forty-nine of the Public Statutes shall apply to the assessment of damages under this act.

Liability for
damages.

SECTION 5. This act shall take effect upon its passage.

Approved April 21, 1883.

Chap.141

AN ACT RELATING TO THE LIMIT OF TIME FOR THE ERECTION OF
A LIBRARY BUILDING BY THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Time extended
for erection of
library building.

SECTION 1. The provisions of chapter two hundred and twenty-two of the acts of the year eighteen hundred and eighty, relating to the grant of land on the Back Bay to the city of Boston for the purpose of erecting thereon a building for the public library, are hereby extended and continued in force for a further term of three years from the date of the expiration of the time limited in the act above cited.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1883.

Chap.142

AN ACT TO AMEND SECTION SIX OF CHAPTER EIGHTY-TWO OF THE
PUBLIC STATUTES, RELATIVE TO RECORDING CONVEYANCES OF
LOTS IN CEMETERIES, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows:

Conveyances
may be recorded
in records of
corporation.

SECTION 1. Section six of chapter eighty-two of the Public Statutes is hereby amended by striking out after

the word "cemetery," in the third line thereof, the words "made by the corporation to its individual members or other persons."

SECTION 2. The records of all conveyances of burial lots which have been heretofore entered in books regularly kept for that purpose by any cemetery corporation created by special charter or organized under the general laws shall have and be of the same force and effect as if made in the registry of deeds for the county or district where such cemetery is situated, and no other record shall be deemed necessary: *provided*, that this act shall not affect or take away any rights acquired or vested under laws heretofore existing.

Records, heretofore made, confirmed.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved April 23, 1883.

AN ACT TO AUTHORIZE THE CITY OF LOWELL TO ABATE A NUISANCE
BY THE DISCONTINUANCE OF RICHARDSON BROOK.

Chap. 143

Be it enacted, etc., as follows:

SECTION 1. For the purpose of abating the nuisance in the city of Lowell caused by "Richardson's Brook," so called, the said city is hereby authorized to divert the waters of said brook from their present channel and convey them, from a point on Hildreth Street, by means of a sewer or sewers to the Merrimack River.

Nuisance in Lowell may be abated.

SECTION 2. The said city shall pay all damages sustained by any person in property by the diversion of the waters of said brook, or by the construction of such sewer or sewers, or in any other way by anything done by said city under the authority of this act. Any person sustaining damages as aforesaid under this act who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of one year from the diversion of the waters of said brook or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said one year.

Liability for damages

SECTION 3. This act shall take effect upon its passage.

Approved April 23, 1883.

*Chap.*144 AN ACT TO ABATE A NUISANCE IN THE CITY OF BOSTON AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

Be it enacted, etc., as follows:

Nuisance in Boston may be abated.

SECTION 1. The board of health of the city of Boston may order any or all the owners of the flats and of the creek connected therewith of Prison Point bay, so called, situated in that part of Boston called Charlestown and lying north of the Fitchburg railroad and the old state prison grounds west of Canal street south of Cambridge street and north and east of the boundary line between Boston and Somerville, to fill up their said flats, basin and creek with good earth or other suitable material, to a grade not less than ten feet above mean low water, in order to secure the abatement of the existing nuisance therein, and for the preservation of the public health of said city, and may also direct in such orders within what time any specific portion thereof shall be filled.

Grade not to be less than ten feet above mean low water.

Order to be made in writing and served upon the record owner.

SECTION 2. Such orders shall be made in writing and served by any person competent to serve a notice in a civil suit personally on the record owner, or a copy of the order may be left at the last and usual place of abode of such owner if he is known and within the state. If he is unknown or without the state the notice may be served by advertising in one or more public newspapers published in Boston in such manner and for such length of time as the board of health of said city may direct.

City may fill up territory if owner fails to comply within thirty days.

SECTION 3. If any owner of any portion of the territory described in the first section of this act fails to begin to comply with any such order within thirty days after service of the notice aforesaid, or fails after such beginning to continue to the satisfaction of said board of health, the said board shall so determine, and thereupon the city of Boston shall fill up the said territory or portion thereof as hereinafter required, and all expenses incurred thereby shall constitute a lien upon said territory or upon the portion thereof so filled, and upon the land made by said filling and upon all buildings thereon which may be assessed by the board of aldermen of said city of Boston, and the assessment so made with the charges for cost and interest may be enforced and collected by the city collector of said city, in the manner provided by law for the collection of taxes upon real estate.

Expense of filling to be a lien upon territory.

Apportionment of expense.

SECTION 4. If the owner or owners of any land so assessed for such expenses desire to have the amount of said

assessment apportioned, he or they shall give notice thereof in writing, to the board of aldermen of said city, at any time before a demand is made upon him or them for the payment thereof; and said board shall thereupon apportion said amount into three equal parts, which apportionment shall be certified to the assessors of said city; and the said assessors shall add one of said equal parts, with six per cent. interest thereon, to the annual tax of said land each year, for the three years next ensuing.

SECTION 5. If the owner or owners of any parcel of land, the grade of which is raised under the third section of this act, is dissatisfied with the assessment of the expenses of raising the grade of his or their land, he or they may, within twelve months after receiving notice of such assessment, apply for a jury, by petition to the superior court for the county of Suffolk, and have the expenses assessed in the same manner as betterments for the laying out of streets and highways in the county of Suffolk may be assessed.

Owners dissatisfied with assessment of expenses may apply for a jury.

SECTION 6. If the jury do not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate and be collected in the same manner as the assessment; but if the jury reduce the amount of the assessment the petitioner shall recover costs; and all assessments shall be a lien on the estate for one year after the final judgment in any suit or proceeding where the amount or validity of the same is in question, and shall be collected in the same manner as original assessments.

Recovery of costs.

SECTION 7. Said city may construct and maintain such sewers in the territory mentioned in section one of this act as it deems the public health and convenience require, and shall not obstruct the running off of the surface water naturally flowing into the territory authorized to be filled by this act, nor the water flowing into the same through any creek or other natural water course.

City may construct and maintain sewers.

SECTION 8. The said city of Boston may lay or permit to be laid railway tracks through or across its streets, and maintain or permit them to be maintained so long as may be necessary for transporting earth and other material to fill up the territory as herein provided.

May lay railway tracks through streets, etc.

SECTION 9. All filling and grading done under this act shall be done within two years from the passage hereof.

Work to be done within two years.

Repeal of 1881,
238.

SECTION 10. Chapter two hundred and thirty-eight of the acts of the year eighteen hundred and eighty-one is hereby repealed.

SECTION 11. This act shall take effect upon its passage.

Approved April 24, 1883.

Chap.145 AN ACT PROVIDING FOR THE REDEMPTION OF REAL ESTATE SOLD FOR NON-PAYMENT OF SEWER ASSESSMENTS.

Be it enacted, etc., as follows :

Redemption of
real estate sold
for non-payment
of sewer assess-
ments.
P. S. 50, § 5.

Section five of chapter fifty of the Public Statutes, relating to sewer assessments constituting a lien upon real estate, is hereby amended by adding thereto the following clause, viz. : "and real estate so sold may be redeemed the same as if sold for the non-payment of taxes and in the same manner."

Approved April 24, 1883.

Chap.146 AN ACT TO AUTHORIZE THE TOWN OF WINTHROP TO BUILD A BRIDGE ACROSS TIDE WATER IN SAID TOWN.

Be it enacted, etc., as follows :

Town may build
bridge across
tide water, sub-
ject to approval
of commission-
ers.

SECTION 1. The town of Winthrop may lay out a highway from the junction of Pleasant and Winthrop streets to Shirley street in said town, and may build and maintain a free public bridge where said highway crosses an inlet or arm of the sea, subject to the approval of the board of harbor and land commissioners as regards the location of said highway where it crosses tide waters, and as regards the manner of constructing said bridge, and subject to the provisions of all general laws applicable thereto.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1883.

Chap.147 AN ACT AMENDING THE CHARTER OF THE FATHER MATTHEW TEMPERANCE BENEFIT SOCIETY, IN THE CITY OF [LAWRENCE, IN RELATION TO ITS CAPITAL STOCK AND LIABILITY.

Be it enacted, etc., as follows :

Charter amend-
ed.
1874, 96, § 2.

SECTION 1. Section two of chapter ninety-six of the acts of the year eighteen hundred and seventy-four, fixing the limit of the capital stock of the Father Matthew Catholic Temperance Benefit Society, in the city of Lawrence, at twenty-five thousand dollars, and the par value of its shares at twenty-five dollars, and providing that said corporation shall incur no liability until five thousand dollars of its capital stock has been paid in in cash, is

amended by striking out in the second line the words "twenty-five thousand," and inserting in place thereof the words "ten thousand;" by striking out in the third line the word "twenty-five," and inserting in place thereof the word "ten;" and by striking out in the seventh line the words "five thousand," and inserting in place thereof the words "one thousand."

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1883.

AN ACT TO PROVIDE FOR THE SUPPORT OF THE CRIMINAL INSANE
BY THE COMMONWEALTH.

Chap. 148

Be it enacted, etc., as follows:

SECTION 1. When a state prison convict is committed to a state lunatic hospital the charges for his support shall be paid by the Commonwealth, until the expiration of his term of sentence to the state prison.

Support of state prison convict in state lunatic hospital.

SECTION 2. When a person held in prison on a charge of felony is committed to a state lunatic hospital under the provisions of sections fifteen or thirty of chapter two hundred and thirteen or of sections sixteen, nineteen or twenty of chapter two hundred and fourteen of the Public Statutes, the charges for his support therein shall be paid by the Commonwealth.

Support of prisoner on a charge of felony in state lunatic hospital.

SECTION 3. The provisions of this act shall apply to such commitments already made.

To apply to commitments already made.

SECTION 4. This act shall take effect upon its passage.

Approved April 24, 1883.

AN ACT TO SUPPLY THE TOWN OF HUDSON WITH WATER.

Chap. 149

Be it enacted, etc., as follows:

SECTION 1. The town of Hudson may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, re-locate or discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

Water supply for town of Hudson.

SECTION 2. The said town for the purposes aforesaid may take, by purchase or otherwise, and hold the waters of Gates Pond, so called, in the town of Berlin, in the county of Worcester, and the waters which flow into and from the same, together with any water rights connected therewith, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for

May take water from Gates Pond in Berlin.

conveying the same to any part of said town of Hudson ; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works ; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same ; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands or ways, in such manner as to cause the least hindrance to public travel on such ways.

May construct and lay down conduits, pipes, and other works.

A description of the lands, etc., taken, to be filed and recorded in the registry of deeds.

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Damages to be paid by the town.

SECTION 4. The said town shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act ; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Application for damages not to be made until water is actually taken.

SECTION 5. The said town may for the purpose of

paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate seventy-five thousand dollars; such bonds, notes and scrip shall bear on their face the words "Hudson Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Hudson Water
Loan.

Sinking fund to
be provided.

SECTION 6. The said town shall raise annually, by taxation, a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Money sufficient
for current ex-
penses and in-
terest to be
raised annually,
by taxation.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for pol-
luting or divert-
ing water, or for
injury to prop-
erty.

SECTION 8. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the

Board of water
commissioners
to be elected.

next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term, by said town, at any legal town meeting called for the purpose.

SECTION 9. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for the purpose, within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Approved April 25, 1883.

Chap.150 AN ACT TO INCORPORATE THE FARMERS' AND MECHANICS' SAVINGS BANK OF SOUTH FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. Willard Howe, George E. Cutler, Eleazer Goulding, Warren Whitney, Arthur C. Blanchard, Charles E. Cutler, Thomas L. Sturtevant, Charles D. Lewis, John F. Holbrook, James R. Entwistle, Willis M. Ranney, Leonard T. Morse, Edmund Dowse, Sidney A. Phillips, Frank Comee, Henry G. Eames, Franklin Manson, D. T. Bridges, their associates and successors, are hereby made a corporation by the name of the Farmers' and Mechanics' Savings Bank, to be located in the village of South Framingham, in the town of Framingham; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

[The foregoing was laid before the Governor on the eighteenth day of April 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.]

AN ACT TO AUTHORIZE THE TOWN OF HINGHAM TO TAKE AND FILL
THE "MILL POND" IN SAID TOWN.

Chap. 151

Be it enacted, etc., as follows :

SECTION 1. For the purpose of filling the "Mill Pond," so called, in the town of Hingham, said town may take, by purchase or otherwise, the said pond and the lands or flats in or under said pond, and fill and raise the same to such grade as may be deemed necessary or expedient.

Town may take and fill the Mill Pond.

SECTION 2. The said town shall, within sixty days after the taking of said pond, lands or flats as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the chairman of the board of selectmen, and the title of said lands or flats when filled shall vest in the town of Hingham in fee simple, and the said lands and flats may be sold and conveyed by said town in such manner as said town may determine.

A description of pond and land taken, to be filed and recorded in the registry of deeds.

SECTION 3. The said town shall pay all damages sustained by any persons in property by the taking and filling of said pond, lands or flats, or by any other thing done by said town under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such pond, lands or flats, or the doing of other injury, under the authority of this act ; but no such application shall be made after the expiration of said three years.

Liability for damages.

Damages may be assessed by a jury.

SECTION 4. The said town shall construct and maintain all necessary drains for the free passage of the water of natural streams now flowing into said Mill Pond.

May construct drains.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate thirty thousand dollars ; such bonds, notes and scrip shall bear on their face the words "Hingham Improvement Loan" ; shall be payable at the expiration of periods not exceeding twenty years from the date of issue ; shall bear

Hingham Improvement Loan.

interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and countersigned by the selectmen of said town. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to be provided.

Money sufficient for interest, etc., to be raised annually, etc., by taxation.

SECTION 6. The said town shall raise annually by taxation a sum which will be sufficient to pay the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act; but said town shall not raise more than four thousand dollars in any one year to pay the principal of said loan, except in the year in which the same may become due.

Subject to acceptance by town by a majority vote.

SECTION 7. This act shall take effect upon its passage; but nothing shall be done, or any liability incurred, or any expenditure made under the same, except for preliminary surveys and estimates, until this act shall be accepted by a majority vote of the legal voters of said town, present and voting thereon at a legal meeting called for that purpose, within three years from the date of its passage; but the number of meetings so called in any year shall not exceed three.

Approved April 30, 1883.

Chap. 152

AN ACT TO SUPPLY THE TOWN OF SOUTH ABINGTON WITH WATER.

Be it enacted, etc., as follows:

Water supply for town of South Abington.

SECTION 1. The town of South Abington may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, re-locate or discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

May take water from Auburnville, Hobart's and Beech Hill Ponds, etc.

SECTION 2. The said town for the purposes aforesaid may take, by purchase or otherwise, and hold the water of one of the following sources of supply, Auburnville Pond, Hobart's Pond, Beech Hill Pond, or artesian wells,

all within the town of South Abington, and the water rights connected with any such water sources, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands or ways, in such manner as to cause the least hindrance to public travel on such ways.

May construct and lay down conduits, pipes and other works.

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

A description of land, etc., taken to be filed and recorded in the registry of deeds.

SECTION 4. The said town shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until

Damages to be paid by the town.

Application for damages not to be made until water is actually diverted.

the water is actually withdrawn or diverted by said town under the authority of this act.

South Abington
Water Loan.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "South Abington Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to
be established.

Payment of cur-
rent annual ex-
penses and in-
terest.

SECTION 6. The said town shall raise annually by taxation a sum which with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for pol-
luting water or
injuring prop-
erty.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Board of water
commissioners
to be elected.

SECTION 8. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect

by ballot five persons to contract for and superintend the construction and completion of the water works, who may exercise all rights, powers and privileges for that purpose herein granted, subject to instructions from the town; at said meeting there shall be elected by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. Said commissioners shall have charge of the water works when completed. All the authority granted to the said town by this act and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town, at any legal town meeting called for the purpose.

Powers.

Vacancy.

SECTION 9. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Subject to acceptance by a two-thirds vote.

Approved April 30, 1883.

AN ACT TO AUTHORIZE AND EMPOWER THE COLLEGE OF PHYSICIANS AND SURGEONS TO CONFER THE DEGREE OF DOCTOR OF MEDICINE

Chap. 153

Be it enacted, etc., as follows:

SECTION 1. The College of Physicians and Surgeons of Boston, incorporated under the general laws of this Commonwealth, is hereby authorized and empowered to confer the degree of doctor of medicine: *provided*, that no degree shall be conferred without the consent of three-fourths of the members of its faculty and a majority of its trustees.

May confer the degree of doctor of medicine.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1883.

Chap. 154 AN ACT ESTABLISHING A PORTION OF THE BOUNDARY LINE BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF RHODE ISLAND.

Be it enacted, etc., as follows:

Boundary line established.

SECTION 1. The boundary line between the Commonwealth of Massachusetts and the state of Rhode Island, from the easterly line of the state of Connecticut to Burnt Swamp Corner, shall be and hereby is fixed as follows, to wit:—Beginning at a monument of dressed granite marked “Mass.” on the north, “R. I.” on the south, and “Con.” on the west sides, standing at the northwest corner of the state of Rhode Island, in latitude $42^{\circ} 0' 29.45''$, longitude $71^{\circ} 48' 18.07''$ west of Greenwich; thence running easterly in a straight line to a pile of stones on the westerly bank of Wallum Pond at high-water mark; thence easterly in a straight line to the southwest corner of Uxbridge and the southeast corner of Douglas to a monument of dressed stone marked “D. Nov. 9, 1829,” on northwest face, and “U.” on east face, and “B.” on south face; thence running easterly in a straight line to a point formed by the intersection of the easterly line of Harris Avenue, so called, with the southerly line of Gas-kill Street, near the village of Waterford, and about fifteen rods easterly of the easterly bank of Blackstone River; thence running easterly in a straight line to a monument of split stone granite, about five feet above ground, having five faces, marked on the west face “M.,” on the northeast face “B.,” and on the south face “C.”; thence easterly in a straight line to the stone monument now standing on Wrentham Plain at Burnt Swamp Corner, in latitude $42^{\circ} 1' 8.60''$, longitude $71^{\circ} 23' 13.26''$ west of Greenwich, marked on two sides “Mass.” and on the other two sides, “R. I.”

Stone monuments to be erected to mark the line.

SECTION 2. The commissioners appointed for the purpose of causing to be removed the stone monuments erected to mark the conventional line between this Commonwealth and the state of Rhode Island from the easterly line of the state of Connecticut to Burnt Swamp Corner by the commissioners in eighteen hundred and forty-seven and eighteen hundred and forty-eight, on the part of the Commonwealth of Massachusetts, be and they hereby are authorized to procure and set up stone monuments at such points on said line, of such size and with such marks as may by them be deemed expedient, acting conjointly with the commissioners of the state of Rhode Island.

SECTION 3. This act shall take effect when a similar act shall have been passed by the state of Rhode Island, establishing the line in this act described.

To take effect when similar act is passed by Rhode Island.

Approved April 30, 1883.

AN ACT RELATING TO THE INSPECTION OF BUILDINGS IN THE CITY OF BOSTON.

Chap. 155

Be it enacted, etc., as follows :

Section two of chapter three hundred seventy-one of the acts of the year eighteen hundred and seventy-two is amended by adding at the end of the seventeenth line the words : “ except in case of buildings not exceeding fifteen feet in height measured from the surface of the ground, nor exceeding five hundred feet in area, the external walls of which shall not be less than eight inches thick.”

Inspection of buildings in Boston.

Approved April 30, 1883.

AN ACT TO PUNISH PERSONS WHO WILFULLY TEAR DOWN OR DEFACE TOWN MEETING WARRANTS AND OTHER PAPERS POSTED IN COMPLIANCE WITH LAW.

Chap. 156

Be it enacted, etc., as follows :

Any person who shall wilfully and maliciously, or wantonly and without cause tear down, remove or deface any town meeting warrant, list of voters, list of jurors or other notice or paper posted in compliance with law, shall be punished by fine not exceeding ten dollars.

Town meeting warrants, list of voters, etc., not to be defaced.

Approved April 30, 1883.

AN ACT RELATING TO THE EMPLOYMENT OF MINORS AND WOMEN.

Chap. 157

Be it enacted, etc., as follows :

SECTION 1. Section four of chapter seventy-four of the Public Statutes, relating to the employment of minors and women, is hereby amended by inserting in the second line, after the word “ manufacturing,” the following words : “ mechanical or mercantile.”

Hours of labor for minors and women in mercantile and mechanical establishments.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and eighty-three.

Approved May 3, 1883.

AN ACT IN RELATION TO THE RETURNS OF BIRTHS BY PHYSICIANS AND MIDWIVES.

Chap. 158

Be it enacted, etc., as follows :

SECTION 1. Section seven of chapter thirty-two of the Public Statutes is amended so as to read as follows : “ Section 7. Physicians and midwives shall on or before

To report monthly a list of births.

the fifth day of each month report to the clerk of each city or town, except Boston, a correct list of all children born therein during the month next preceding, at whose birth they were present, stating the date and place of each birth, the name of the child (if it has any), the sex and color of the child, the name, place of birth and residence of the parents, and the occupation of the father. The fee of the physician or midwife shall be twenty-five cents for each birth so reported and shall be paid by the city or town in which the report is made."

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1883.

Chap.159 AN ACT TO CONFIRM A DEED OF DANIEL SCUDDER TO THE BARN-STABLE SAVINGS BANK.

Be it enacted, etc., as follows:

Deed confirmed. SECTION 1. The deed of Daniel Scudder to the Barn-stable Savings Bank, bearing date the seventeenth day of April in the year eighteen hundred and seventy-five, recorded in the registry of deeds for the county of Suffolk, book twelve hundred and sixty-five, folio eighty-seven, shall have the same force and effect as if said savings bank could then take and hold under said deed the real estate described therein.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1883.

Chap.160 AN ACT TO INCORPORATE THE EAST WEYMOUTH WATER COMPANY.
Be it enacted, etc., as follows:

East Weymouth Water Company incorporated. SECTION 1. Peter W. French, Leavitt Bates, Zachariah L. Bicknell, John P. Lovell, Nathan D. Canterbury, Marshall C. Dizer, Joseph Totman, and their associates and successors, are hereby made a corporation by the name of the East Weymouth Water Company, for the purpose of furnishing the inhabitants of the town of Weymouth with water for the extinguishment of fires, and for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May supply Weymouth with water.

May take the water of Weymouth Great Pond.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold, the water of "Weymouth Great Pond," so called, in the town of Weymouth, and the waters which flow into and from the same, and the water rights connected with any

such water sources, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May construct and lay down conduits, pipes and other works.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

A description of land, etc., taken, to be filed and recorded in the registry of deeds within sixty days.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the

Corporation to pay damages.

No application to be made for damages until

water is actually diverted.

taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

May distribute water and fix rates to be paid for its use.

SECTION 5. The said corporation may distribute the water through said town of Weymouth; may regulate the use of said water and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said town, or such fire district, individual or corporation, and said corporation.

Corporation may connect pipes with those of the Hingham Water Company.

SECTION 6. The said corporation may, at any time during the continuance of this charter, connect its conduits or pipes with those of the Hingham Water Company at the boundary line between the towns of Hingham and Weymouth, if said Hingham Water Company shall consent thereto, and may contract with said Hingham Water Company for a supply of water necessary for the purposes of this act, upon such terms as the said corporations may mutually agree; and the said Hingham Water Company is authorized to make such connection of its own conduits or pipes, and to furnish water to said East Weymouth Water Company and to enter into contracts for the same: *provided*, that nothing herein contained shall be construed to compel the said Hingham Water Company to make or permit said connection or to furnish said water; and *provided, further*, that whenever from any reason the supply of water of said Hingham Water Company shall not be more than sufficient for the needs of the residents of the towns of Hingham, Hull and Cohasset, the residents of the said towns of Hingham, Hull and Cohasset shall be first supplied.

Provisos.

Real estate, capital stock and shares.

SECTION 7. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for corrupting or diverting water.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the author-

ity and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

SECTION 9. The said corporation may purchase from the owner of any aqueduct or water pipes now used in furnishing water for the purpose of extinguishing fires in said town of Weymouth, all the estate, property rights and privileges of such owner, and by such purchase shall become subject to all the liabilities and duties to such owner appertaining.

May purchase water from aqueduct, etc.

SECTION 10. The said corporation may issue bonds, and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds and secure by mortgage.

SECTION 11. The said town of Weymouth shall have the right, at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said corporation and the said town; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town, by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

Town of Weymouth may purchase franchise and property of the corporation.

Subject to assent of town by a two-thirds vote.

SECTION 12. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by

Security for payment of damages and costs, may be required.

either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

SECTION 13. This act shall take effect upon its passage.

Approved May 3, 1883.

Chap. 161

AN ACT TO INCORPORATE THE POWOW HILL WATER COMPANY.

Be it enacted, etc., as follows:

Powow Hill
Water Company
incorporated.

May supply
Amesbury and
Salisbury with
water.

SECTION 1. William E. Biddle, Jacob R. Huntington, Marquis D. F. Steere, Richard F. Briggs, E. Ripley Sibley, and their associates and successors, are hereby made a corporation by the name of the Powow Hill Water Company, for the purpose of furnishing the inhabitants of the towns of Amesbury and Salisbury with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take the
water of the
east branch of
Powow River.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold, the water of the east branch of Powow River in the town of Salisbury, known as "Back River," at a point on said river known as "Clark's Pond," and the water rights connected with any such water sources, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said towns; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all

May construct
and lay down
conduits, pipes
and other works.

proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

A description of the land, etc., taken, to be filed and recorded in the registry of deeds.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Corporation to pay damages.

No application to be made for damages until water is actually diverted.

SECTION 5. The said corporation may distribute the water through said towns or either of them; may regulate the use of said water and fix and collect rates to be paid for the use of the same; and may make such contracts with the said towns or with either of them or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said towns or either of them, or such fire district, individual or corporation, and said corporation.

May distribute water and fix rates to be paid for its use.

Real estate, capital stock and shares.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for corrupting or diverting water.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

May purchase water pipes now in use.

SECTION 8. The said corporation may purchase from the owner of any water pipes now used in furnishing water for the purpose of extinguishing fires in either of the said towns, all the estate, property rights and privileges of such owner, and by such purchase shall become subject to all the liabilities and duties to such owner appertaining.

May issue bonds and secure by mortgage.

SECTION 9. The said corporation may issue bonds, and secure the same by a mortgage on its franchise, and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Towns of Amesbury and Salisbury may purchase property and rights of the corporation.

SECTION 10. The said towns shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said corporation and the said towns; and the said corporation is authorized to make sale of the same to said towns, or either of them. In case said corporation and said towns are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by each of said

Subject to assent of towns by two-thirds vote.

towns, by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

SECTION 11. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Security for payment of damages and costs, may be required.

SECTION 12. This act shall take effect upon its passage.

Approved May 5, 1883.

AN ACT TO INCORPORATE THE QUINCY WATER COMPANY.

Be it enacted, etc., as follows:

Chap. 162

SECTION 1. William L. Faxon, John A. Gordon, John O. Holden, Charles H. Porter and their associates and successors, are hereby made a corporation by the name of the Quincy Water Company, for the purpose of furnishing the inhabitants of the town of Quincy with water for the extinguishment of fires, and for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Quincy Water Company incorporated.

SECTION 2. The said corporation for the purposes aforesaid may take, by purchase or otherwise, and hold, the water, or so much thereof as may be necessary, of "Town Brook," so called, in the town of Quincy, at any point south of Water Street in said town, and the water rights connected therewith, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machin-

May take the water of Town Brook at any point south of Water Street in Quincy.

May construct
and lay down
conduits, pipes
and other works.

ery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon, and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways: *provided*, that no taking or holding of water under authority of this act shall impair the supply of water now used by said town for the extinguishment of fires.

Proviso.

A description of
the land, etc.,
taken, to be filed
and recorded in
the registry of
deeds.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights; water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Payment of
damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person, sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

No application
to be made for
damages until
water is actually
withdrawn.

SECTION 5. The said corporation may distribute the water through said town of Quincy ; may regulate the use of said water and fix and collect rates to be paid for the use of the same ; and may make such contracts with the said town, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said town, or such fire district, individual or corporation, and said corporation.

May distribute water through the town of Quincy.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount fifty thousand dollars ; and the whole capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate and capital stock.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort ; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for polluting water or for injury to property.

SECTION 8. The said corporation may issue bonds, and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds and secure the same by mortgage.

SECTION 9. The said town of Quincy shall have the right, at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said corporation and the said town ; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase

Town may purchase franchise and property.

Subject to assent
by town, by a
two-thirds vote.

said franchise and property is granted on condition that the same is assented to by said town, by a two-thirds vote of the voters of said town, present and voting thereon at a meeting called for that purpose.

"Quincy Water
Loan."

SECTION 10. The said town may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip to an amount not exceeding, in the aggregate, two hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Quincy Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town, and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate, and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to
be established.

Sum sufficient
for current ex-
penses and inter-
est to be raised,
annually, by tax-
ation.

SECTION 11. The said town shall raise annually, by taxation, a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues, on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Board of water
commissioners
to be elected.

SECTION 12. The said town shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted

to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town, at any legal town meeting called for the purpose.

To be trustees
of the sinking
fund.

SECTION 13. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Corporation may
be required to
give security
for payment of
damages.

SECTION 14. This act shall take effect upon its passage.

Approved May 3, 1883.

AN ACT TO INCORPORATE THE MARBLEHEAD WATER COMPANY.

Chap. 163

Be it enacted, etc., as follows:

SECTION 1. Isaac C. Wyman, Thomas Appleton, William B. Brown, Hiram M. French, John C. Alden, Charles P. Mudge and their associates and successors are hereby made a corporation by the name of the Marblehead Water Company, for the purpose of furnishing the inhabitants of the town of Marblehead, or any other town or city, with water for the extinguishment of fires, and for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Marblehead
Water Com-
pany.

Water supply
for town of Mar-
blehead.

May take the water of "Putnam's Brook."

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold, the water of "Putnam's Brook," so called, in the town of Marblehead, and the water rights connected therewith, and may purchase other water sources, and may take, by purchase or otherwise, and hold all lands, rights of way and easements, necessary for holding and preserving such water and for conveying the same to, into and through any part of said town, or other town or city; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and under the direction of the board of selectmen of the town, or the mayor and aldermen of the city in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May construct and lay down conduits, pipes and other works.

A description of the land, etc., taken, to be filed and recorded in the registry of deeds.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Liability for damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the

laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

No application to be made for damages until water is actually withdrawn.

SECTION 5. The said corporation may distribute the water through said town of Marblehead; may regulate the use of said water, and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town, or any other town or city, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by such town, city, fire district, individual or corporation, and said corporation.

May distribute water and fix and collect rates.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount fifty thousand dollars; and the whole capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate and capital stock.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for polluting water, or for injury to property.

SECTION 8. The said corporation may issue bonds, and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds and secure by mortgage.

SECTION 9. The said town of Marblehead shall have the right, at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property, and all the rights and privileges of said

Town may, at any time, purchase franchise and property.

corporation, at a price which may be mutually agreed upon between said corporation and the said town; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town, by a two-thirds vote of the voters of said town present and voting thereon at a meeting called for that purpose.

Subject to assent by the town, by a two-thirds vote.

"Marblehead Water Loan."

SECTION 10. The said town may, for the purpose of paying the cost of said franchise and corporate property, and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate two hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Marblehead Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town, and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate, and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to be provided.

Sum sufficient for current expenses and interest to be raised, annually, by taxation.

SECTION 11. The said town shall raise annually, by taxation, a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues, on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

SECTION 12. The said town shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town, at any legal town meeting called for the purpose.

Board of water
commissioners
to be elected.

SECTION 13. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Corporation
may be required
to give security
for damages.

SECTION 14. This act shall take effect upon its passage.

Approved May 3, 1883.

Chap.164 AN ACT AUTHORIZING THE TREASURER OF THE COMMONWEALTH
TO EMPLOY AN ADDITIONAL CLERK.

Be it enacted, etc., as follows:

Treasurer may
employ an addi-
tional clerk.

SECTION 1. The treasurer of the Commonwealth, in addition to the clerks whom he is now authorized to employ, may employ in his office a fund clerk, at an annual salary of twelve hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1883.

Chap.165 AN ACT RELATIVE TO THE CONFIRMATION OF PROCEEDINGS OF THE
EVANGELICAL RELIGIOUS SOCIETY IN WAYLAND.

Be it enacted, etc., as follows:

Election of
members con-
firmed.

Proceedings
may be con-
firmed by vote
of members.

SECTION 1. The election of Jonas N. Morse, Hodijah B. Braman, George Gleason, Ira B. Draper and Edward Carter as members of the Evangelical Religious Society in Wayland is confirmed and made valid; and said persons may, at a meeting called for the purpose, by vote confirm any proceeding of said society so far as the same was affected by any defect or irregularity in the manner of the calling of the meetings of the society, the election of its members or the qualification of its officers; and said society shall be held to continue to exist as a legal and valid corporation notwithstanding any such defect or irregularity.

Meeting of the
society may be
called.

SECTION 2. A meeting of the society under the provisions of the preceding section may be called by any two of the persons therein named by a notice stating the time, place and purpose of the meeting, a copy of which notice shall, seven days at least before the day appointed for the meeting, be posted upon the principal outer door of the meeting house of said society and also be given to each of said persons or left at his last or usual place of residence.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1883.

Chap.166 AN ACT TO SUPPLY THE TOWN OF WELLESLEY WITH WATER.

Be it enacted, etc., as follows:

Water supply
for Wellesley.

SECTION 1. The town of Wellesley may supply itself and its inhabitants with water for the extinguishment of fires, and for domestic and other purposes; may establish fountains and hydrants, re-locate or discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

SECTION 2. The said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold, the water of Charles River within the limits of or where it borders on said town, and of Longfellow's Pond, so called, within the limits of said town, and the water rights connected with any such water sources; and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under, through or over any lands, water courses, public works, railroads, public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands or ways, in such manner as to cause the least hindrance to public travel on such ways.

May take water of Charles River and Longfellow's Pond.

May construct and lay down conduits, pipes, and other works.

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

A description of land, etc., taken to be filed and recorded in the registry of deeds.

SECTION 4. The said town shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law, where land is taken for the laying out of highways, on application at any time within the period of three years from the taking of said land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the

Damages to be paid by the town.

Application for damages not to be made until water is actually diverted.

"Wellesley Water Loan."

Sinking fund to be established.

Sum sufficient to pay interest and current expenses, to be raised annually by taxation.

Penalty for polluting water, or for injury to property.

expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Wellesley Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

SECTION 6. The said town shall raise annually, by taxation, a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest, as it accrues, on the said bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town, under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

SECTION 8. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term, by said town, at any legal town meeting called for the purpose.

Board of water commissioners to be elected.

SECTION 9. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose, within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Subject to acceptance by a two-thirds vote.

Approved May 5, 1883.

AN ACT PROVIDING FOR THE DISPOSAL OF THE SEWAGE OF THE STATE PRISON.

Chap. 167

Be it enacted, etc., as follows:

SECTION 1. The commissioners of prisons are authorized to expend a sum not exceeding five thousand dollars for the disposal of the sewage at the state prison at Concord, but no expenditure shall be made for such purpose, except for surveys and plans, until said plans shall be approved by the state board of health, lunacy and charity, and the sewage shall be disposed of in accordance with plans so approved. Said board of health, lunacy and charity may at any time, and upon the request of the selectmen of the town of Concord shall, examine the methods of disposing of said sewage and may direct that changes be made in said methods and said commissioners shall make said changes, and the cost thereof shall be paid

Disposal of sewage at state prison at Concord.

from the annual appropriation for the expenses of said institution.

Repeal.

SECTION 2. Chapter ten of the acts of the year eighteen hundred and seventy-eight, chapter sixty-five of the resolves of the year eighteen hundred and eighty-one and so much of chapter sixty of the resolves of the year eighteen hundred and eighty-two as authorizes the expenditure of three thousand dollars for the disposal of said sewage are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 5, 1883.

Chap.168

AN ACT EMPOWERING CITIES TO REGULATE BY ORDINANCE THE SALE OF CERTAIN ARTICLES BY HAWKERS AND PEDLERS.

Be it enacted, etc., as follows :

Cities may regulate, by ordinance, sales by hawkers and pedlers.

Any city may by ordinance make such regulations respecting the exposing for sale and sale within its limits by hawkers and pedlers of any of the articles enumerated in section one of chapter sixty-eight of the Public Statutes, as may be necessary and proper for preserving the public health and securing the peace and comfort of its inhabitants ; and may affix penalties not exceeding twenty dollars for one offence for the violation of any such ordinance ; but nothing herein shall be so construed as to authorize any city to require the payment of any fee in cases in which such authority is not now given.

Approved May 5, 1883.

Chap.169

AN ACT FOR THE PRESERVATION OF DEER.

Be it enacted, etc., as follows :

Hunting deer in Plymouth and Barnstable counties prohibited.

SECTION 1. Whoever hunts, chases or kills a deer within the counties of Plymouth or Barnstable, except his own tame deer kept on his own grounds, shall forfeit for every such offence one hundred dollars.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved May 5, 1883.

Chap.170

AN ACT MAKING APPROPRIATIONS FOR THE COMPLETION OF THE DOUBLE TRACKING OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Be it enacted, etc., as follows :

Appropriations for double-tracking railroad and tunnel.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, to be expended under the direction of the governor and council, for completing the double tracking

of the Troy and Greenfield Railroad and Hoosac Tunnel, to wit: For the completion of the double tracking of the Troy and Greenfield Railroad and Hoosac Tunnel, east of the eastern portal of the Hoosac Tunnel, a sum not exceeding two hundred and sixty-four thousand five hundred and fifty-two dollars.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the third day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT TO INCORPORATE THE PALMER WATER COMPANY.

Chap. 171

Be it enacted, etc., as follows:

SECTION 1. James B. Shaw, John H. Gamwell, Stephen S. Taft, Charles B. Fisk, Robert L. Goddard and David Knox, their associates and successors, are hereby made a corporation by the name of the Palmer Water Company, for the purpose of furnishing the inhabitants of the town of Palmer with water for the extinguishment of fires, and for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Palmer Water
Company.
Water supply
for Palmer.

SECTION 2. The said corporation for the purposes aforesaid may take, by purchase or otherwise, and hold, the water of Graves' Pond, so called, in the town of Palmer, and the waters which flow into and from the same, within the limits of said town, and the water rights connected with any such water sources, and also all lands, rights of way and easements, necessary for holding and pre-erving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing

May take water
of Graves'
Pond.

May construct
and lay down
conduits, pipes
and other
works.

such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

To cause to be recorded in the registry of deeds a description of the land, etc., taken.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded, in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Liability for damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person, sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for damages not to be made until water is actually diverted.

May distribute water, and fix and collect rates for use of same.

SECTION 5. The said corporation may distribute the water through said town of Palmer; may regulate the use of said water and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said town, or such fire district, individual or corporation, and said corporation.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

Real estate and capital stock.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for polluting or diverting water, or for injury to property.

SECTION 8. The said corporation may purchase from the owner of any aqueduct now used in furnishing water to the inhabitants of said town, all the estate, property rights and privileges of such owner, and by such purchase shall become subject to all the liabilities and duties to such owner appertaining.

May purchase aqueduct.

SECTION 9. The said corporation may issue bonds, and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds and secure by mortgage.

SECTION 10. The said town, and any fire district that is or may hereafter be established therein, shall have the right, at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said corporation and the said town, or such fire district; and the said corporation is authorized to make sale of the same to said town or to such fire district. In case said corporation and said town, or such fire district, are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase said franchise and property is granted

Town or fire district may purchase franchise and property.

Subject to assent by a two-thirds vote.

on condition that the same is assented to by said town, or such fire district, by a two-thirds vote of the voters of said town, or such fire district, present and voting thereon at a meeting called for that purpose.

Security for
payment of
damages, may
be required.

SECTION 11. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

SECTION 12. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the fourth day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap.172

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE ANNUAL MEETING OF THE TOWN OF MONTAGUE IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-THREE.

Be it enacted, etc., as follows:

Proceedings at
town meeting
confirmed.

SECTION 1. All proceedings of the annual meeting of the town of Montague held on the fifth day of March in the year eighteen hundred and eighty-three, so far as they may have been defective by reason of any failure to use the check-list in accordance with law, are hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1883.

Chap.173

AN ACT TO PROVIDE AGAINST THE USE OF UNSAFE ELEVATORS.

Be it enacted, etc., as follows:

Inspection of
elevators.

If any elevator whether used for freight or passengers shall in the judgment of the inspector of factories and public buildings of the district in which such elevator is used, or, in the city of Boston, of the inspector of build-

ings of said city, be unsafe or dangerous to use or has not been constructed in the manner required by law, the said inspector shall immediately placard conspicuously upon the entrance to or door of the cab or car of such elevator a notice of its dangerous condition, and prohibit the use of such elevator until made safe to the satisfaction of said inspector. Any person removing such notice or operating such elevator while such notice is placarded as aforesaid, without authority from said inspector, shall be punished by a fine of not less than ten nor more than fifty dollars for each offence.

Notice to be placarded when elevators are unsafe.

Penalty.

Approved May 14, 1883.

AN ACT FOR THE ESTABLISHMENT AND MAINTENANCE OF EVENING SCHOOLS.

Chap. 174

Be it enacted, etc., as follows:

SECTION 1. Every town and city having ten thousand or more inhabitants shall establish and maintain, in addition to the schools required by law to be maintained therein, evening schools for the instruction of persons over twelve years of age in orthography, reading, writing, geography, arithmetic, drawing, the history of the United States, and good behavior. Such other branches of learning may be taught in such schools as the school committee of the town shall deem expedient.

Evening schools to be maintained in cities and towns having 10,000 inhabitants.

SECTION 2. The school committee of such towns shall have the same superintendence over such evening schools as they have over other schools, and may determine the term or terms of time in each year, and the hours of the evening during which such schools shall be kept, and may make such regulations as to attendance at such schools as they may deem expedient.

To be under superintendence of the school committee.

SECTION 3. Nothing contained in this act shall exempt any person from the requirements of section one of chapter forty-seven of the Public Statutes.

No exemption from requirements P. S. 47, § 1.

SECTION 4. This act shall take effect upon its passage.

Approved May 14, 1883.

AN ACT IN RELATION TO EXAMINATIONS AND TRIALS IN CRIMINAL CASES BEFORE A TRIAL JUSTICE.

Chap. 175

Be it enacted, etc., as follows:

SECTION 1. If a trial justice fails to attend at the time and place to which an examination or trial has been adjourned by him under the provisions of section twenty-six of chapter two hundred and twelve of the Public

If justice fails to attend at an adjourned trial, another justice for the same county may try the case, etc.

Statutes, any other trial justice for the same county may attend and hear or try said case, and may further adjourn such examination or trial in the same manner as the justice before whom the case was first pending. The justice so taking cognizance of the case shall make a minute of the proceedings before himself on the complaint and certify the same which shall be entered on the records of the justice who makes the final order, sentence or decree in the case. Any recognizance taken by the justice before whom the case was originally pending shall continue in full force and effect.

Taxation of costs.

SECTION 2. The same costs shall be taxed in any case continued or transferred from one trial justice to another as if all the proceedings had been before one justice.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1883.

Chap. 176 AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO BUILD A HIGHWAY OVER THE TIDE WATERS OF ACUSHNET RIVER, AND TO TAKE CERTAIN LANDS ADJOINING THE SAME FOR THE PRESERVATION OF THE HEALTH OF SAID CITY.

Be it enacted, etc., as follows:

May lay out a street over tide waters of Acushnet River.

SECTION 1. The city council of the city of New Bedford is hereby authorized, subject to the provisions of chapters nineteen and fifty-one of the Public Statutes, to lay out an easterly extension of Howland Street in said city over the tide waters of the Acushnet River from the present easterly terminus of said street, but not to extend beyond the harbor line as now established by law.

May take certain land.

SECTION 2. Said city may, also, for the purpose of preserving the health of its inhabitants, take certain lands contiguous to the street authorized to be laid out under this act, and thus described:—bounded east by the channel of the Acushnet River, south by the northerly line of the street authorized to be laid out as aforesaid, west by land now or formerly of Horace Humphrey, and north by land of Green and Wood. Said city shall, within sixty days from the time it shall take such land, file in the office of the registry of deeds for the southern district of Bristol County a description of the lands so taken as certain as is required in a conveyance of lands, and a statement that the same is taken pursuant to the provisions of this act, which said description and the statement shall be signed by the mayor of said city, and the title to the land so taken shall thereby vest in said

To file in the registry of deeds a description of the land taken.

Land taken to vest in city.

city ; and if any person whose land is so taken shall agree with said city as to the amount of his damages he shall be paid the same forthwith ; but if he shall not be able to so agree he may at any time within one year from the time of such taking apply by petition to the superior court for the county of Bristol, and have his damages assessed by a jury therein, and the proceedings thereon shall be the same as in the case of lands taken for the laying out of highways, except that the damages shall be estimated on the basis that the fee of the land has been taken by said city ; and said city upon taking such land may fill in the same or any portion thereof, from time to time, with suitable materials, and shall abate the nuisance existing thereon ; but the operations of such filling shall be subject to the approval of the board of harbor and land commissioners.

Assessment of damages.

SECTION 3. The said city may extend the sewer now discharging into the dock at the foot of said Howland Street, and such other sewers as in its judgment will be required for the health of the city at any time hereafter, so as to discharge the same in deep water on any portion of the tract herein authorized in any way to be taken.

May extend sewers to deep water.

SECTION 4. The rights given under section one of this act to lay out said street shall not be deemed exhausted by a partial exercise thereof, but shall continue for subsequent locations until said harbor line is reached.

Rights to lay out street to continue until harbor line is reached.

SECTION 5. This act shall take effect upon its passage.

Approved May 15, 1883.

AN ACT TO INCORPORATE THE SHARON WATER COMPANY.

Chap. 177

Be it enacted, etc., as follows :

SECTION 1. H. Augustus Lothrop, George Kempton, William R. Mann, Charles D. Hixon, William B. Wickes, Joel P. Hewins, Percy M. Blake, their associates and successors, are hereby made a corporation by the name of the Sharon Water Company, for the purpose of supplying the inhabitants of the towns of Sharon, Canton and Stoughton with water for the extinguishment of fires, and for domestic and other purposes ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Sharon Water Company.

Water supply for Canton, Sharon and Stoughton.

SECTION 2. The said corporation, for the purposes

May take
waters of Lake
Massapoag,
Beaver Hole
Meadow Brook,
etc.

May erect dams,
and lay down
pipes and con-
duits.

A description of
the land taken
to be filed and
recorded in the
registry of
deeds.

Liability for
damages.

aforesaid, may take, by purchase or otherwise, and hold, the water of Lake Massapoag, and the waters which flow into and from the same; Beaver Hole Meadow Brook and springs adjacent and tributary thereto, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said towns of Sharon, Canton or Stoughton; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or

other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for damages not be made until water is actually diverted.

SECTION 5. The said corporation may distribute the water through said towns of Sharon, Canton and Stoughton, or either of them; may regulate the use of said water and fix and collect rates to be paid for the use of the same; and may make such contracts with the said towns, or with either of them, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fires or for other purposes, as may be agreed upon by said towns, or either of them, or such fire district, individual or corporation, and said corporation.

May distribute water, and fix and collect water rates.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each. Any manufacturing or other corporation doing business in either of said towns may subscribe for and hold stock of said Sharon Water Company.

Real estate and capital stock.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Stock may be held by certain corporations.

Penalty for polluting or diverting water, or for injury to property.

SECTION 8. The said corporation may purchase from the owner of any aqueduct or water pipes now used in furnishing water for the purpose of extinguishing fires in either of the said towns, all the estate, property rights and privileges of such owner, and by such purchase shall become subject to all the liabilities and duties to such owner appertaining.

May purchase aqueduct, etc..

May issue bonds
and secure by
mortgage.

SECTION 9. The said corporation may issue bonds, and secure the same by a mortgage on its franchise, and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Town of Sharon
may, at any
time, purchase
franchise and
property.

SECTION 10. The said town of Sharon shall have the right, at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said corporation and the said town; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town, by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

Subject to
assent by a two-
thirds vote.

Security may be
required for a
payment of
damages.

SECTION 11. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

SECTION 12. This act shall take effect upon its passage.

[The foregoing was laid before the Governor on the ninth day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.]

AN ACT TO CHANGE THE NAME OF THE LOWELL WOOD TURNING COMPANY.

Chap.178

Be it enacted, etc., as follows:

SECTION 1. The name of the Lowell Wood Turning Company, a corporation organized under the general laws of the Commonwealth, is changed to the "Lowell Spool and Bobbin Company."

Name changed to Lowell Spool and Bobbin Company.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1883.

AN ACT TO AUTHORIZE THE TOWN OF CHARLTON TO PAY A BOUNTY TO ALBERT KNIGHT.

Chap.179

Be it enacted, etc., as follows:

SECTION 1. The town of Charlton is authorized to appropriate the sum of one hundred and twenty-five dollars and a further sum equal to the interest on one hundred and twenty-five dollars from the first day of January in the year one thousand eight hundred and sixty-four to the first day of May in the year one thousand eight hundred and eighty-three, for the payment of a bounty to Albert Knight of said town, who served during the late war as one of the quota of said town, and has never received any bounty from said town: *provided*, that said town shall not be re-imburshed by the Commonwealth for any money paid under authority of this act.

Town may pay a soldier's bounty to Albert Knight.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1883.

AN ACT TO REGULATE THE TAKING OF FISH IN ACUSHNET RIVER IN THE TOWN OF ACUSHNET.

Chap.180

Be it enacted, etc., as follows:

SECTION 1. The town of Acushnet may at any legal meeting called for that purpose make regulations, not inconsistent with the provisions of the laws of the Commonwealth, concerning the taking of herrings, alewives and shad within said town, or concerning the disposal of the privilege of taking the same for its own use and benefit.

Town may regulate fisheries.

SECTION 2. Said town may, at its annual meeting in April in the year eighteen hundred and eighty-three, and in each year thereafter choose three discreet persons by ballot whose duty it shall be to inspect said river, to cause the regulations respecting said fishery to be carried into effect and to prosecute all violations thereof.

To choose a committee to enforce regulations.

Penalties.

SECTION 3. Whoever takes from said river any of said fish in violation of said regulations shall forfeit for each fish so taken not more than ten dollars nor less than one dollar, one half of all such forfeitures shall enure to the complainant and one half to said town.

Water supply
of New Bed-
ford not to be
interfered with.

SECTION 4. The powers and duties granted by this chapter, shall be subject in all respects to the rights heretofore granted to the city of New Bedford under chapter one hundred and sixty-three of the acts of the year eighteen hundred and sixty-three, and nothing contained in this act shall in any way be construed as permitting or authorizing any interference with the water supply of said city, or authorizing any control in or in any way applying to the storing reservoir of said city or any works connected with its water supply, nor shall any such fishery be permitted to be operated in said reservoir or in any portion of said water supply.

SECTION 5. This act shall take effect upon its passage.

Approved May 16, 1883.

Chap.¹181

AN ACT TO INCORPORATE THE NORTH ATTLEBOROUGH WATER COMPANY.

Be it enacted, etc., as follows:

North Attle-
borough Water
Company.

SECTION 1. Henry F. Barrows, Handel N. Daggett and Joseph G. Barden, their associates and successors, are hereby made a corporation by the name of the North Attleborough Water Company, for the purpose of furnishing the inhabitants of North Attleborough, or any part of Attleborough, with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Water supply
for Attle-
borough.

May take the
water of Ten
Mile River.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold, the water of Ten Mile River, in the town of Attleborough, and the water rights connected with such water source within the limits of said town, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machinery,

and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May construct dams, and lay down pipes and conduits.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

A description of the land, etc., taken, to be filed and recorded in the registry of deeds.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person, sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Liability for damages.

Application for damages not to be made until the water is actually diverted.

SECTION 5. The said corporation may distribute the water through said town of Attleborough; may regulate the use of said water and fix and collect rates to be paid

May distribute water, and may fix and collect water rates.

for the use of the same; and may make such contracts with the said town, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fires or for other purposes, as may be agreed upon by said town, or such fire district, individual or corporation, and said corporation.

Real estate and capital stock.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

May issue bonds, and secure by mortgage.

SECTION 7. The said corporation may issue bonds, and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Liability for amount of water taken.

SECTION 8. The said corporation may by vote from time to time fix and determine what amount or quantity of water it purposes to take and appropriate under this act; in which case the damages for such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, in which event said corporation shall be further liable only for the additional damages caused by such additional taking.

Penalty for polluting or diverting water, or for injury to property.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Fire District Number One may purchase franchise and property.

SECTION 10. The corporation now known as the Fire District Number One, North Attleborough, shall have the right at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said corporation and the said fire district; and the

said corporation is authorized to make sale of the same to said fire district. In case said corporation and said fire district are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said fire district by a two-thirds vote of the voters qualified to vote in town affairs present and voting thereon at any legal meeting called for that purpose; whereupon all the rights, privileges and liabilities of said North Attleborough Water Company shall vest in and be assumed by said fire district.

Subject to assent of the fire district by a two-thirds vote.

SECTION 11. The said fire district may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words "North Attleborough Fire District Water Loan"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of said fire district, and be countersigned by the water commissioners hereinafter provided for. The said fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said fire district shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

North Attleborough Fire District Water Loan.

Sinking fund to be established.

SECTION 12. The said fire district shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as afore-

Sum sufficient for current expenses and interest, to be raised annually by taxation.

May raise additional sum for extension of works.

said by said fire district, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act. Said fire district is further authorized to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing necessary additional appliances and fixtures connected therewith, not exceeding five thousand dollars in any one year.

Assessment and collection of tax.

SECTION 13. Whenever a tax is duly voted by said fire district for the purposes of this act, the clerk shall render a certified copy of the vote to the assessors of the town of Attleborough, who shall proceed within thirty days to assess the same in the same manner in all respects as other taxes in said fire district are by law required to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the same manner as is provided for the collection of town taxes, and shall deposit the proceeds thereof with the town treasurer, for the use and benefit of said fire district. Said fire district may collect interest on taxes, when overdue, at a rate not exceeding one per centum per month, in the same manner as interest is authorized to be collected on town taxes: *provided*, said fire district at the time of voting to raise a tax shall so determine, and shall also fix a time for payment thereof.

May collect interest on taxes when overdue.

Board of water commissioners to be elected.

SECTION 14. The said fire district shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said fire district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said fire district may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring

Powers and duties.

Vacancy.

in said board from any cause may be filled for the remainder of the unexpired term by said fire district, at any legal meeting called for the purpose. No money shall be drawn from the town treasury on account of said water works, except by a written order of said commissioners, or a majority of them. Said commissioners shall annually make a full report to said fire district in writing of their doings and expenditures.

Annual report.

SECTION 15. The said fire district may adopt by-laws prescribing by whom and how meetings may be called and notified; but meetings may also be called, on application of seven or more legal voters in said fire district, by warrant from the selectmen of said town, on such notice as may be prescribed therein. The said fire district may also provide rules and regulations for the management of its water works not inconsistent with this act or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

Fire district may adopt by-laws for calling and notifying meetings.

May prescribe rules for management of water works.

SECTION 16. The county commissioners for the county within which any land, water or water rights taken under this act is situated shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Security may be required to be given for payment of damages and costs.

SECTION 17. This act shall take effect upon its passage.

Approved May 16, 1883.

AN ACT TO INCORPORATE THE FRANKLIN WATER COMPANY.

Be it enacted, etc., as follows:

SECTION 1. Joseph G. Ray, Asa A. Fletcher, William E. Nason, William M. Thayer, James M. Freeman, James P. Ray, George W. Wiggin, Henry R. Jenks, Homer V. Snow and their associates and successors, are hereby

Chap. 182

Franklin Water Company.

Water supply
for Franklin.

made a corporation by the name of the Franklin Water Company, for the purpose of furnishing the inhabitants of the town of Franklin with water for the extinguishment of fires, and for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take water
of Mine Brook
or of Beaver
Pond.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold, the water of "Mine Brook," so called, or of "Beaver Pond," so called, in the town of Franklin, and the water rights connected therewith, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

A description
of the land, etc.,
taken, to be filed
and recorded in
the registry of
deeds.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Liability for
damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any

land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for damages not to be made until.

SECTION 5. The said corporation may distribute the water through said town of Franklin; may regulate the use of said water, and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said town, or such fire district, individual or corporation, and said corporation.

May regulate use of water, and fix and collect water rates.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount twenty-five thousand dollars; and the whole capital stock of said corporation shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each. Any manufacturing or other corporation doing business in said town may subscribe for and hold stock of said Franklin Water Company.

Real estate and capital stock.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for polluting water or for injury to property.

May issue
bonds, and se-
cure by mort-
gage.

SECTION 8. The said corporation may issue bonds, and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Town of Frank-
lin may pur-
chase franchise
and property.

SECTION 9. The said town of Franklin shall have the right, at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property, and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said corporation and the said town; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town, by a two-thirds vote of the voters of said town, present and voting thereon at a meeting called for that purpose.

Franklin Water
Loan.

SECTION 10. The said town may, for the purpose of paying the cost of said franchise and corporate property, and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate seventy-five thousand dollars; such bonds, notes and scrip shall bear on their face the words "Franklin Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town, and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate, and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to
be established.

SECTION 11. The said town shall raise annually, by taxation, a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues, on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Town to raise annually by taxation sufficient to pay current expenses and interest.

SECTION 12. The said town shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town, at any legal town meeting called for the purpose.

Board of water commissioners to be elected.

To be trustees of the sinking fund.

Vacancy.

SECTION 13. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such

Corporation may be required to give security for payment of damages.

land or other property, except for making surveys, shall be suspended until it gives the security so required.

SECTION 14. This act shall take effect upon its passage.

Approved May 16, 1883.

Chap. 183 AN ACT TO AMEND "AN ACT CONCERNING THE TRANSPORTATION OF LOGS AND OTHER TIMBER UPON THE CONNECTICUT RIVER."

Be it enacted, etc., as follows:

Amendment to
P. S. 94, § 5.

SECTION 1. Section five of chapter ninety-four of the Public Statutes is so amended that it shall apply only to that portion of the Connecticut River below the confluence of the Chicopee and Connecticut rivers.

Transportation
of logs, etc., may
be regulated by
county com-
missioners, etc.

SECTION 2. The county commissioners of the counties of Franklin, Hampshire and Hampden, acting within their respective counties, upon the petition of any railroad company, or its president, owning or operating a railroad with a bridge across said Connecticut River, or of the owner or owners or operators of any ferry or ferry-boat regularly plying across said river, or of the owner or owners of any steamboat regularly plying upon said river, or of the owner or owners of any dam across the same, or of the owner or owners or managers of any shad or salmon fishery, or of the selectmen of any town, or of the mayor of any city bound wholly or in part to support a bridge or ferry across said Connecticut River, within any of said counties, and upon such notice to the parties interested as said commissioners may deem proper, shall order and require any person, party or corporation, and the servants and agents thereof, driving, floating or causing or permitting to be floated or driven or run down said Connecticut River above said confluence, any masts, spars, logs or other timber, to guard and protect said bridges, the supports thereof, said dams, ferries, ferry-boats, steamboats, and fisheries, by such booms and other safeguards, and by complying with such reasonable regulations as to time and manner, in floating, driving or running such masts, spars, logs or other timber, as said commissioners may deem necessary and sufficient; and shall from time to time order, direct and establish. And no person, corporation or party, by themselves or their agents or servants, shall drive, run, float or cause or permit to be driven, run or floated down said Connecticut River, above said confluence, any masts, spars, logs or other timber without first performing the said orders and require-

Liabilities for
not complying
with the regula-
tions.

ments of said commissioners, nor without complying with their regulations concerning the same; and if any of said parties then engaged in floating, driving or running such masts, spars, logs or other timber down said Connecticut River, shall do so, or attempt to do so without first performing and fulfilling said orders and requirements of the said commissioners relating to the same, or in violation of their said regulations then existing, such party or parties and their agents and servants shall be liable to, and may be enjoined and restrained from so doing by proceedings in equity in behalf of any or all parties interested; and shall also be liable jointly and severally in an action of tort for all damage done by such driving, running, floating, or causing or permitting to be driven or floated down said Connecticut River, any masts, spars, logs or other timber in violation of the foregoing requirements, orders and regulations of said commissioners. And nothing in this act shall be construed so as to affect or impair any right or remedy at common law or in equity in behalf of any party injured or liable to injury on account of the floating, driving or running of any masts, spars, logs or other timber down or upon any portion of said Connecticut River.

SECTION 3. Section two of chapter two hundred and seventy-four of the acts of eighteen hundred and eighty-two is hereby repealed.

Repeal of 1882,
274, § 2.

SECTION 4. This act shall take effect upon its passage.

Approved May 16, 1883.

AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE
BOARD OF AGRICULTURE.

Chap. 184

Be it enacted, etc., as follows:

SECTION 1. The secretary of the board of agriculture shall receive an annual salary of twenty-five hundred dollars, and at the same rate for any part of a year.

Salary estab-
lished.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1883.

AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE CERTAIN
LANDS OR FLATS IN THE NORTH RIVER IN SAID CITY.

Chap. 185

Be it enacted, etc., as follows:

SECTION 1. For the purpose of abating a nuisance in the city of Salem, in that part of the North River lying

City may take
lands, etc., for
abating a nu-
isance.

above North Bridge, so called, the said city may, from time to time, take, by purchase or otherwise, any or all of the lands or flats in said city lying in the said North River westerly of North Street and northerly of the Essex Railroad, being all the land or flats remaining between North and Dean streets, and fill and raise the same to such grade as may be deemed necessary or expedient.

To file and have recorded in the registry of deeds a description of the land, etc., taken.

SECTION 2. The said city shall, within sixty days after the taking of any lands or flats as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the southern district of the county of Essex, a description of the lands or flats so taken sufficiently accurate for identification, with a statement of the purpose for and the authority under which the same were taken, signed by the mayor of said city; and the title of all lands or flats taken under this act shall vest in the city of Salem in fee simple, and the same may be sold and conveyed by said city in such manner as the city council may determine.

Liability for damages.

SECTION 3. The said city shall pay all damages sustained by any person in property by the taking of any land or flats, or by any other thing done by said city under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such lands or flats or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. Any person sustaining damages as aforesaid under this act, who agrees with said city upon the amount of damages sustained by him, shall be paid the amount of such damages by said city forthwith. The respective rights and remedies of persons having different, separate or contingent interests or estates in the same property, as to the disposition of the damages awarded or agreed to under this act, shall be the same in all respects as are provided by law when land is taken for the laying out of highways.

Work to be done with approval of the harbor and land commissioners,

SECTION 4. The city of Salem before beginning to fill any land or flats taken under the authority of this act shall give written notice to the board of harbor and land

commissioners of the work it intends to do, and shall submit to the said board plans of the lands or flats proposed to be filled and of the mode in which the work is to be performed, and no such work shall be commenced until the plans and the mode of performing the work have been approved in writing by said board; and all such work shall be executed under the supervision of said board.

and under their supervision.

SECTION 5. The city council of said city may lay out, in the manner provided by the charter of said city, streets and ways over any of the lands or flats referred to in this act.

May lay out streets and ways.

SECTION 6. This act shall take effect on its acceptance by the city council of the city of Salem.

Subject to acceptance by the city council.

Approved May 16, 1883.

AN ACT IN AID OF, AND RELATING TO A WATER SUPPLY FOR, THE NORTH ADAMS FIRE DISTRICT.

Chap. 186

Be it enacted, etc., as follows:

SECTION 1. The purchase of the franchise, property, rights and privileges of the North Adams Water Company, incorporated by chapter one hundred and eight of the acts of the year eighteen hundred and sixty-four, by the North Adams Fire District, and the transfer and conveyance thereof by said water company to said fire district is ratified and confirmed; and said fire district may supply itself and the inhabitants of the town of North Adams with water for the extinguishment of fires, and for domestic and other purposes; may establish fountains and hydrants, re-locate or discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same; and said fire district, in addition to the rights, powers and authority already conferred upon said fire district, shall have, exercise and enjoy all the rights, powers and authority conferred upon said North Adams Water Company by the acts to which this act is additional and supplementary; and said fire district may, by such officers and agents as it may from time to time choose, appoint and direct, exercise all said rights, powers and authority, subject to the restrictions, duties and liabilities, herein and in said acts contained, except as herein otherwise provided; and the doings of said fire district, and of its officers and agents, in carrying out the purposes of the acts to which this act is additional and supplementary are hereby ratified and confirmed.

Purchase and transfer confirmed.

Fire district may supply itself and town of North Adams with water.

May take the water of Notch Brook and other water sources in North Adams.

SECTION 2. The said fire district for the purposes aforesaid may take, by purchase or otherwise, and hold the water of "Notch Brook," so called, and of any other water sources within the limits of said town of North Adams, and the water rights connected with any such water sources, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town of North Adams, and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said fire district may dig up any such lands, and under the direction of the board of selectmen of said town, may enter upon and dig up any such ways, in such manner as to cause the least hindrance to public travel on such ways.

May construct and lay down conduits and other works.

To file and have recorded in the registry of deeds a description of the lands, etc., taken.

SECTION 3. The said fire district shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded, in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the chairman of the prudential committee of said fire district.

Liability for damages.

SECTION 4. The said fire district shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said fire district under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said fire district as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within

the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said fire district under the authority of this act.

No application to be made for damages until water is diverted.

SECTION 5. The said fire district may for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue, from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words "North Adams Fire District Water Loan"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the fire district, and be countersigned by the chairman of the prudential committee of said fire district. The said fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said fire district shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

North Adams
Fire District
Water Loan.

Sinking fund to be established.

SECTION 6. The said fire district shall raise annually, by taxation, a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said fire district, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

To raise annually by taxation a sum sufficient to pay interest and current expenses.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work, or other property owned, held or used by said fire district, under the authority and for the purposes of this act, shall forfeit

Penalty for corrupting water or for injury to property.

and pay to said fire district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

SECTION 8. This act shall take effect upon its passage.

Approved May 16, 1883.

Chap. 187

AN ACT IN RELATION TO BOARDING HOUSES AND BOARDING HOUSE KEEPERS.

Be it enacted, etc., as follows:

Provisions of P. S. 102, § 13, to apply to boarding houses.

SECTION 1. The provisions of section thirteen of chapter one hundred and two of the Public Statutes in relation to persons procuring food, entertainment or accommodations at inns with intent to cheat and defraud the owner or keeper, shall apply to persons who, with like intent and in the same manner, procure food, entertainment or accommodations at boarding houses.

Law to be posted in a conspicuous place.

SECTION 2. Boarding house keepers shall post in a conspicuous place in each room of their boarding houses a copy of section thirteen of chapter one hundred and two of the Public Statutes as amended by section one of this act.

Approved May 16, 1883.

Chap. 188

AN ACT RELATIVE TO THE TAKING OF DEPOSITIONS.

Be it enacted, etc., as follows:

Amendment to P. S. 169, § 28.

SECTION 1. Section twenty-eight of chapter one hundred and sixty-nine of the Public Statutes is amended by adding to the same, the words: "But where the adverse party does not appear to defend within the time required by law the justice may take the deposition without giving any notice."

Amendment to P. S. 169, § 41.

SECTION 2. Section forty-one of said chapter is amended by adding to the same, the words: "But where the adverse party does not appear to defend his cause, such interrogatories need not be exhibited to him nor notice given him of the same."

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1883.

AN ACT GRANTING A BOUNTY FOR THE PRODUCTION OF SUGAR BEETS, OR SORGHUM CANE, FOR THE PURPOSE OF MANUFACTURING SUGAR.

Chap. 189

Be it enacted, etc., as follows:

SECTION 1. The sum of one dollar per ton of two thousand pounds, shall be paid from the treasury of the Commonwealth to any person who shall produce in this Commonwealth sugar beets or any variety of sorghum cane which shall be used in this Commonwealth in the manufacture of sugar.

Bounty for production of sugar beets and sorghum cane.

SECTION 2. The sugar beets or sorghum cane produced for this purpose shall be weighed at the place of manufacture, by a sworn weigher appointed by the selectmen of the town or the mayor of the city in which the manufactory is located, and he shall be compensated for his services by the company or individual purchasing the same. Such company or individual shall keep a correct record of the name and residence of each person who delivers either of the above named products at its or his manufactory, with the time of delivery, and the quantity measured in tons.

Beets and cane to be weighed by a sworn weigher.

SECTION 3. The weigher designated in section two of this act, shall from time to time, and before the first of January of each year, transmit to the secretary of the board of agriculture, correct lists of the persons with their residences who have produced and delivered at the factory of which he is the weigher, one or both of said products, with the number of tons produced and delivered by each person; and said secretary shall give to such persons his certificate directed to the auditor of the Commonwealth, certifying that such person has produced the stated number of tons of one or both of said products for the purpose of manufacturing sugar therefrom, and is entitled to receive from the treasury the sum of one dollar for each ton named therein.

Returns to be made by weigher to the secretary of board of agriculture.

SECTION 4. The secretary of the board of agriculture shall keep a correct record of the name and residence of each person to whom he issues said certificate, and the number of tons of either of the said crops grown by such person.

Secretary of board to keep records of names, etc.

SECTION 5. This act shall take effect upon its passage, and continue in force until the first day of January in the year eighteen hundred and eighty-six.

To continue in force until Jan 1, 1886.

Approved May 16, 1883.

Chap.190 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE DISTRICT POLICE FORCE.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses of the district police force, during the year eighteen hundred and eighty-three, to wit: —

Chief of district police. For the salary of the chief of the district police force, a sum not exceeding seventeen hundred dollars.

District police. For the compensation of the district police force, a sum not exceeding eighteen thousand dollars.

Travelling expenses. For travelling expenses actually paid by members of said force, a sum not exceeding nine thousand dollars.

Incidental and contingent expenses. For incidental and contingent expenses, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 23, 1883.

Chap.191 AN ACT AUTHORIZING THE RENFREW MANUFACTURING COMPANY TO INCREASE ITS CAPITAL STOCK AND HOLD ADDITIONAL REAL ESTATE.

Be it enacted, etc., as follows:

May increase capital stock. SECTION 1. The Renfrew Manufacturing Company, incorporated by chapter one hundred and ninety-four of the acts of the year eighteen hundred and sixty-seven, is hereby authorized to increase its capital stock to an amount not exceeding one million five hundred thousand dollars, and may hold additional real estate necessary for its business not exceeding in value one million dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1883.

Chap.192 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE REFORMATORY PRISON FOR WOMEN AT SHERBORN.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and current expenses at the reformatory prison for women during the year eighteen hundred and eighty-three, to wit: —

Salaries. For payment of salaries at the reformatory prison for women, a sum not exceeding twenty-three thousand dol-

lars; and for other current expenses of said institution, a sum not exceeding forty thousand dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved May 23, 1883.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF THE COST OF SUPPORTING PRISONERS REMOVED FROM THE REFORMATORY PRISON FOR WOMEN.

Chap.193

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of paying the cost of supporting prisoners in certain cases, during the year eighteen hundred and eighty-three, to wit: — Appropriation.

For the payment of the cost of supporting prisoners removed from the reformatory prison for women, in accordance with the provisions of section twelve of chapter two hundred and nineteen of the Public Statutes, a sum not exceeding two hundred dollars. Support of prisoners.

SECTION 2. This act shall take effect upon its passage.

Approved May 23, 1883.

AN ACT AUTHORIZING THE WALTER HEYWOOD CHAIR COMPANY TO HOLD CERTAIN REAL ESTATE IN THE CITY OF NEW YORK.

Chap.194

Be it enacted, etc., as follows:

The Walter Heywood Chair Company, a corporation duly established under the laws of this Commonwealth, is hereby authorized to hold and convey certain real estate situated in the city, county and state of New York, and particularly described in a deed thereof from Rosa H. Brown and others to said corporation dated January fourth, eighteen hundred and eighty-three, and recorded in the office of the register of the said city and county in book seventeen hundred and four of conveyances, page one hundred and ninety-seven, and the said deed is hereby ratified and confirmed. May hold certain real estate in the city of New York.

[*The foregoing was laid before the Governor on the fifteenth day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap.195 AN ACT TO ENFORCE THE ATTENDANCE OF WITNESSES BEFORE SPECIAL TRIBUNALS.

Be it enacted, etc., as follows:

Witnesses may be compelled to attend and to testify before special tribunals.

SECTION 1. Any justice of the supreme judicial court or the superior court, either in term time or vacation, upon the application of any tribunal having authority to summon but not power to compel the attendance of witnesses and the giving of testimony before it, may in his discretion compel the attendance of such witnesses and the giving of testimony before any such tribunal in the same manner and to the same extent as before said courts.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1883.

Chap.196 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRISON AT CONCORD.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses at the state prison at Concord, during the year eighteen hundred and eighty-three, to wit: —

Salaries and expenses at state prison.

For payment of salaries at the state prison at Concord, a sum not exceeding fifty-seven thousand dollars; and for other current expenses of said institution, a sum not exceeding seventy-six thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1883.

Chap.197 AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH ARREST OF FUGITIVES FROM JUSTICE.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of the payment of expenses incurred in connection with the arrest of fugitives from justice, during the year eighteen hundred and eighty-three, to wit: —

Arrest of fugitives from justice.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1883.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH REMOVING PRISONERS TO AND FROM THE REFORMATORY PRISON FOR WOMEN.

Chap.198

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of expenses incurred in removing prisoners from the reformatory prison for women, during the year eighteen hundred and eighty-three, to wit:—

Appropriation.

For expenses incurred in removing prisoners from the reformatory prison for women, as authorized by section ten of chapter two hundred and nineteen of the Public Statutes, a sum not exceeding two hundred dollars.

Expenses of removing prisoners from prison for women.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1883.

AN ACT TO AUTHORIZE THE PHOENIX BREWING COMPANY TO MANUFACTURE ALE.

Chap.199

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and twenty-one of the acts of the year eighteen hundred and seventy-nine, is hereby amended by inserting after the word “beer” in the fifth line, the words “and ale.”

May brew ale.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1883.

AN ACT AUTHORIZING THE AMERICAN BELL TELEPHONE COMPANY TO HOLD STOCK IN CERTAIN CORPORATIONS.

Chap.200

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and seventeen of the acts of the year eighteen hundred and eighty is hereby amended by striking out the words, “*provided*, that said corporation shall not become a stockholder in any other corporation doing business in this state to an amount exceeding thirty per cent. of the capital stock of said last named corporation,” and inserting in the place thereof the words, “*provided*, that said corporation shall not become a stockholder in any other corporation doing business in this Commonwealth except corporations operating under license from it, and corporations whose business within this Commonwealth consists solely in the manufacture, sale, or manufacture and sale,

May hold stock in certain corporations.

of electrical apparatus, to an amount exceeding thirty per cent. of the capital stock of such other corporation."

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the sixteenth day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap. 201

AN ACT TO INCORPORATE THE NAUKEAG WATER COMPANY.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. Ivers W. Adams, George G. Rockwood, Walter R. Adams and their associates and successors, are hereby made a corporation by the name of the Naukeag Water Company, for the purpose of furnishing the inhabitants of the town of Ashburnham with water for the extinguishment of fires, and for domestic and other purposes ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take water,
etc., in Ash-
burnham.

SECTION 2. The said corporation, for the purposes aforesaid, may take by purchase or otherwise, and hold, the water of any springs or streams, or of any other water sources, on land owned by the said Ivers W. Adams, in said town of Ashburnham, but nothing in this act shall authorize the taking of the water of any spring, brook or pond flowing into Miller's River, or any branch thereof, within said town of Ashburnham and the water rights connected with any such water sources, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town ; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works ; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same ; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any

May construct
and lay down
conduits.

such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification with a statement of the purpose for which the same were taken, signed by the president of the corporation.

To file and record in the registry of deeds, a description of land, etc., taken.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Payment of damages.

No application to be made for damages until water is withdrawn.

SECTION 5. The said corporation may distribute the water through said town of Ashburnham; may regulate the use of said water and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said town, or such fire district, individual or corporation, and said corporation.

May distribute water and fix and collect water rates.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding

Real estate and capital stock.

in amount twenty-five thousand dollars; and the whole capital stock of said corporation shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for injury to property, etc.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

May purchase water from owner of any aqueduct.

SECTION 8. The said corporation may purchase from the owner of any aqueduct now used in furnishing water to the inhabitants of said town all the estate, property, rights and privileges of such owner, and by such purchase shall become subject to all the liabilities and duties to such owner appertaining.

May issue bonds, and secure by mortgage.

SECTION 9. The said corporation may issue bonds, and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Town or any fire district may purchase franchise and property.

SECTION 10. The said town of Ashburnham, and any fire district that is or may hereafter be established therein, shall have the right, at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said corporation and the said town, or such fire district; and the said corporation is authorized to make sale of the same to said town or to such fire district. In case said corporation and said town, or such fire district, are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town, or such fire district, by a two-thirds vote of the

Subject to assent by a two-thirds vote.

voters of said town, or such fire district, present and voting thereon at a meeting called for that purpose.

SECTION 11. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Corporation may be required to give security for damages.

SECTION 12. Chapter three hundred and seventy-seven of the acts of the year eighteen hundred and seventy-one is repealed.

Repeal of 1871, 377.

SECTION 13. This act shall take effect upon its passage.

Approved May 25, 1883.

AN ACT TO LIMIT THE INVESTMENTS OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS IN THE STOCK OF BANKS AND BANKING ASSOCIATIONS.

Chap. 202

Be it enacted, etc., as follows:

SECTION 1. No savings bank or institution for savings shall hereafter invest, or hold as collateral security, more than thirty-five per cent. of its deposits in the stock of banks and banking associations, such as are described in clause four, section twenty, of chapter one hundred and sixteen of the Public Statutes. Any such savings bank or institution for savings which now has more than thirty-five per cent. of its deposits invested as aforesaid, shall reduce its investments therein to said limit on or before the first day of July in the year eighteen hundred and eighty-five.

Investments of savings banks in the stock of banks and banking associations, limited.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1883.

Chap. 203 AN ACT RELATIVE TO THE ELECTION OF ASSESSORS AND OVERSEERS OF THE POOR IN TOWNS.

Be it enacted, etc., as follows :

Election of
assessors in
towns.

SECTION 1. Section sixty-five of chapter twenty-seven of the Public Statutes is repealed and the following is substituted therefor:—“Section 65. A town which at an annual meeting has accepted the provisions, in regard to assessors, of chapter two hundred and fifty-five of the acts of the year eighteen hundred and seventy-eight, or the provisions of sections sixty-five, sixty-six, sixty-seven and sixty-eight of chapter twenty-seven of the Public Statutes, and in which such acceptance has not been revoked, or which shall at an annual meeting accept the provisions of this and the three following sections, may elect at such annual meeting, or at any subsequent annual meeting, three, five, seven or nine assessors in the manner and for the terms respectively provided in the preceding section for electing a like number of selectmen; or it may elect four assessors, two for one year, and two for two years; and at each annual meeting thereafter it may elect two to serve for two years.”

Election of
overseers of the
poor in towns.

SECTION 2. Section sixty-nine of chapter twenty-seven of the Public Statutes is repealed and the following is substituted therefor:—“Section 69. A town which has accepted the provisions of chapter one hundred and eighty-six of the acts of the year eighteen hundred and seventy-seven, or of sections sixty-nine, seventy, seventy-one, seventy-two and seventy-three of chapter twenty-seven of the Public Statutes, and which has not revoked such acceptance, or which shall at an annual meeting accept the provisions of this and the four following sections, may at such annual meeting or at any subsequent annual meeting elect by ballot three, five, seven or nine overseers of the poor in the manner and for the terms respectively provided in section sixty-four for electing a like number of selectmen; and the persons so chosen shall constitute the board of overseers of the poor in such town.”

SECTION 3. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the fifteenth day of May, 1883, and after five days it had the “force of a law,” as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT AUTHORIZING THE PROPRIETORS OF THE MINISTERIAL FUND
IN THE PARISH OF BYFIELD TO SELL CERTAIN REAL ESTATE. *Chap.204*

Be it enacted, etc., as follows :

SECTION 1. The proprietors of the ministerial fund in the parish of Byfield, a corporation established by an act passed on the twenty-ninth day of February in the year eighteen hundred and twelve, is hereby authorized to sell at public or private sale the whole or any part of a certain parcel of woodland owned by said corporation known as the "parsonage lot," and situated in the town of Newbury.

May sell the
"parsonage
lot" in New-
bury.

SECTION 2. The proceeds of the sale of said land shall be invested in the same manner and the interest accruing therefrom shall be appropriated to the purposes set forth in said act of incorporation.

Investment of
proceeds of
sale.

SECTION 3. This act shall take effect upon its passage.

Approved May 29, 1883.

AN ACT IN RELATION TO THE MALDEN, MEDFORD AND MELROSE
GAS LIGHT COMPANY. *Chap.205*

Be it enacted, etc., as follows :

SECTION 1. So much of section two of chapter two hundred and eighty of the acts of the year eighteen hundred and fifty-six as changed the name of the Malden and Melrose Gas Light Company to the Malden, Medford and Melrose Gas Light Company, is hereby repealed, and the name of said company shall be the Malden and Melrose Gas Light Company.

Name changed.

SECTION 2. All acts done in the name of the Malden and Melrose Gas Light Company since the acceptance of said act shall have the same force and effect as if done in the name of the Malden, Medford and Melrose Gas Light Company.

Acts confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved May 29, 1883.

AN ACT TO INCORPORATE THE ESSEX COUNTY BUILDING COMPANY. *Chap.206*

Be it enacted, etc., as follows :

SECTION 1. S. Endicott Peabody, Benjamin W. Russell and Francis Peabody, Jr., their associates and successors, are made a corporation for the term of fifty years, from the date of the passage of this act, by the name of the Essex County Building Company ; and for

Corporators.

Name.

Powers and liabilities.

this purpose said corporation shall be subject to the provisions of chapter one hundred and five and chapter one hundred and six of the Public Statutes, and to all general corporation laws which now are or hereafter may be in force, and shall have the powers and be subject to the liabilities and restrictions prescribed therein, and shall have power to purchase and hold in fee simple or otherwise all or any part of any lands in Salem, in Essex County, now owned by S. Endicott Peabody of said Salem, and such other unimproved lands in said Salem as said corporation may purchase from time to time, not exceeding three acres in all including the lands now owned by said S. Endicott Peabody.

May sell property, erect buildings, etc.

SECTION 2. The said corporation shall have power to sell, lease, mortgage and otherwise dispose of its corporate property and any parts thereof and to improve the same, to erect buildings, dwelling houses and other structures thereon, and otherwise improve the same as may be deemed expedient.

Capital stock and shares.

SECTION 3. The capital stock of the said corporation shall not exceed two hundred and fifty thousand dollars, divided into shares of one hundred dollars each.

SECTION 4. This act shall take effect upon its passage.

Approved May 29, 1883.

Chap. 207 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE WORKHOUSE AT BRIDGEWATER.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses at the state workhouse at Bridgewater, during the year eighteen hundred and eighty-three, to wit:

Salaries and expenses.

For payment of salaries at the state workhouse at Bridgewater, a sum not exceeding eleven thousand dollars; and for other current expenses of said institution, a sum not exceeding twenty-nine thousand dollars.

SECTION 2. This act shall take effect upon its passage.

[The foregoing was laid before the Governor on the twenty-second day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.]

AN ACT MAKING AN APPROPRIATION FOR THE CONTINGENT EXPENSES *Chap.208*
OF THE COMMISSIONERS OF PRISONS.

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid from the treasury of the Commonwealth, from the ordinary revenue, for the contingent expenses of the commissioners of prisons during the year eighteen hundred and eighty-three, to wit: — Appropriation.

For the contingent expenses of the commissioners of prisons, a sum not exceeding eight hundred dollars. Contingent expenses.

SECTION 2. This act shall take effect upon its passage.

[The foregoing was laid before the Governor on the twenty-second day of May, 1883, and after five days it had the "force of a law" as prescribed by the Constitution, as it was not returned by him with his objections within that time.]

AN ACT MAKING AN APPROPRIATION FOR THE TRAVELLING EXPENSES OF THE COMMISSIONERS OF PRISONS AND THE SECRETARY THEREOF. *Chap.209*

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of paying the travelling expenses of the commissioners of prisons and the secretary thereof, during the year eighteen hundred and eighty three, to wit: — Appropriation.

For the travelling expenses of the commissioners of prisons and the secretary thereof, a sum not exceeding eight hundred dollars. Travelling expenses.

SECTION 2. This act shall take effect upon its passage.

[The foregoing was laid before the Governor on the twenty-second day of May, 1883, and after five days it had the "force of a law" as prescribed by the Constitution, as it was not returned by him with his objections within that time.]

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap.210*
AT THE STATE INDUSTRIAL SCHOOL AT LANCASTER.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses at the state industrial school for girls at Lancaster, during the year eighteen hundred and eighty-three, to wit: — Appropriation.

Salaries and ex-
penses.

For payment of salaries at the state industrial school for girls, a sum not exceeding six thousand dollars; and for other current expenses of said institution, a sum not exceeding ten thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twenty-second day of May, 1883, and after five days it had the "force of a law" as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap.211

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE REFORM SCHOOL AT WESTBOROUGH.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses at the state reform school at Westborough, during the year eighteen hundred and eighty-three, to wit: —

Salaries and ex-
penses.

For payment of salaries at the state reform school, a sum not exceeding fifteen thousand dollars; and for other current expenses of said institution, a sum not exceeding twenty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twenty-second day of May, 1883, and after five days it had the "force of a law" as prescribed by the Constitution, as it was not returned by him with his objections within that time*]

Chap.212

AN ACT MAKING AN APPROPRIATION FOR THE EXPENSES OF THE TRUSTEES OF THE STATE PRIMARY AND REFORM SCHOOLS.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for expenses of the trustees of the state primary and reform schools, during the year eighteen hundred and eighty-three, to wit: —

Travelling ex-
penses, etc.

For travelling and other necessary expenses of the trustees of the state primary and reform and industrial schools, a sum not exceeding twelve hundred dollars.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twenty-second day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT MAKING APPROPRIATIONS FOR THE ASSISTANCE OF FEMALE
CONVICTS DISCHARGED FROM THE PRISONS OF THIS COMMON-
WEALTH.

Chap.213

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the salary of an agent, and for assistance rendered female convicts discharged from the prisons of this Commonwealth, during the year eighteen hundred and eighty-three, to wit:—

Appropriation.

For the salary of the agent of discharged female convicts, a sum not exceeding seven hundred dollars, as authorized by section twenty-seven of chapter two hundred and nineteen of the Public Statutes.

Salary of agent.

For expenses of said agent, and for assistance to said convicts, a sum not exceeding twenty-three hundred dollars.

Assistance to convicts, etc.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twenty-second day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT
THE STATE PRIMARY SCHOOL AT MONSON.

Chap.214

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses at the state primary school at Monson, during the year eighteen hundred and eighty-three, to wit:—

Appropriation.

For the payment of salaries at the state primary school at Monson, a sum not exceeding seventeen thousand dollars; for other current expenses of said institution, a sum not exceeding thirty-four thousand dollars, and for boarding out children, a sum not exceeding three thousand dollars.

Salaries and expenses.

Board of children.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twenty-second day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap.215 AN ACT MAKING APPROPRIATIONS FOR THE ASSISTANCE OF CONVICTS
DISCHARGED FROM THE STATE PRISON AT CONCORD.

Be it enacted, etc., as follows:

Appropriation. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the salary of an agent, and for the purpose of rendering assistance to convicts discharged from the state prison at Concord, during the year eighteen hundred and eighty-three, to wit:—

Salary of agent. For the salary of the agent for aiding discharged convicts, one thousand dollars, as authorized by chapter two hundred and nineteen, section twenty-six, of the Public Statutes.

Expenses of agent. For expenses of said agent, a sum not exceeding three thousand dollars, to be used in rendering assistance to said convicts, as authorized by chapter two hundred and nineteen, section twenty-six, of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twenty-second day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap.216 AN ACT IN RELATION TO THE COMPENSATION OF ASSESSORS, MASTERS
IN CHANCERY AND SPECIAL MASTERS.

Be it enacted, etc., as follows:

Compensation of assessors, etc., to be paid by counties in which appointed. SECTION 1. The supreme judicial court and the superior court shall award reasonable compensation to assessors, masters in chancery and special masters for duties performed under the direction of said courts, to be paid by the counties in which they are appointed and not to be taxed in the bill of costs of either party to the action.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1883.

Chap.217 AN ACT RELATING TO THE EMPLOYMENT OF PRISONERS.

Be it enacted, etc., as follows:

Limited number of convicts to be employed in certain industries. SECTION 1. The number of inmates of any prison in this Commonwealth who may be employed in the industries hereinafter named, under any contract or contracts made after the passage of this act, shall be limited as follows: in the manufacture of men's, boys' and youths'

boots and shoes, not more than one hundred and fifty ; in the manufacture of women's, misses' and children's boots and shoes, not more than one hundred and fifty ; in the manufacture of hats, not more than one hundred and fifty ; in the manufacture of brushes, not more than one hundred ; in the manufacture of wood mouldings, not more than one hundred ; in the manufacture of harnesses, not more than one hundred ; or in any other industry, not to exceed one hundred and fifty.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1883.

AN ACT TO REGULATE THE SALE OF COAL BY MEASURE.

Chap. 218

Be it enacted, etc., as follows :

SECTION 1. In the sale by measure, of coal in quantities less than five hundred pounds, the baskets or measures used in measuring the same shall be of a cylindrical form, of the following dimensions in the inside thereof, to wit : nineteen inches in diameter in every part, and nine inches in depth, measured from the highest part of the bottom thereof, each of which shall be deemed to be of the capacity of one bushel ; or nineteen inches in diameter in every part, and four inches and one-half in depth, measured from the highest part of the bottom thereof, each of which shall be deemed to be of the capacity of one-half bushel. Such measures, in selling, shall be filled level full, and every such measure shall be sealed by a sealer of the city or town in which the person using the same usually resides or does business.

Sale of coal by
measure, regu-
lated.

SECTION 2. Every vendor of coal who has in his possession a basket, box, tub, vessel or other measure not conforming to the provisions of the preceding section, or not sealed as therein provided, with intent to use the same or to permit the same to be used in measuring coal, sold or offered for sale, and any person who measures coal sold or offered for sale in any basket or other measure not conforming to the provisions of the preceding section and sealed as therein provided, shall be subject to a fine not exceeding twenty dollars for each offence.

Penalty.

Approved June 2, 1883.

Chap.219 AN ACT GRANTING LAND FOR A SCHOOL TO THE TOWN OF FLORIDA.*Be it enacted, etc., as follows :*

Grant of land to town of Florida.

SECTION 1. The town of Florida is hereby granted the free use and occupation of a certain parcel of land owned by the Commonwealth situated in said town of Florida, being a part of the Truesdale Farm, so called, containing five hundred and thirteen one-thousandths of an acre, and bounded as follows : Northwesterly by the centre line of a discontinued town road, northeasterly by the highway leading from the Hoosac Tunnel post-office to Readsboro', and southerly by land of the heirs of Dennis Buckley. This grant is made on condition that a school-house shall be erected on said land within two years from the passage of this act, and the right to occupy said land free of rent shall continue so long as said land is used by said town for public school-house purposes, and no longer.

School-house to be erected within two years.

SECTION 2. This act shall take effect upon its passage.

*Approved June 2, 1883.***Chap.220** AN ACT TO CONFIRM THE PROCEEDINGS OF THE MELROSE ORTHODOX CONGREGATIONAL SOCIETY.*Be it enacted, etc., as follows :*

Proceedings confirmed.

SECTION 1. The proceedings of the meetings of the Melrose Orthodox Congregational Society, a corporation duly organized on the twenty-eighth day of June in the year eighteen hundred and forty-eight, shall not be invalid because the records do not show that the clerks of said society were sworn, nor because the records do not show the consent in writing of persons admitted as members thereof.

SECTION 2. This act shall take effect upon its passage.

*Approved June 2, 1883.***Chap.221** AN ACT RELATIVE TO THE TRANSMISSION OF ELECTRICITY FOR THE PURPOSE OF LIGHTING.*Be it enacted, etc., as follows :*

Laws regulating telegraph, etc., lines to apply to lines for transmission of electricity, etc.

SECTION 1. All provisions of law granting to persons and corporations authority to erect, lay and maintain and to cities and towns authority to regulate telegraph and telephone lines, except sections sixteen and eighteen of chapter one hundred and nine of the Public Statutes,

shall, so far as applicable, apply to lines for the transmission of electricity for the purpose of lighting.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1883.

AN ACT TO ALLOW THE INTERNATIONAL TRUST COMPANY TO ACCEPT TRUSTS UNDER WILLS AND FOR OTHER PURPOSES.

Chap. 222

Be it enacted, etc., as follows:

SECTION 1. The International Trust Company, incorporated by chapter one hundred and fifty-two of the acts of eighteen hundred and seventy-nine, may be appointed trustee under any will or instrument creating a trust for the care and management of property, under the same circumstances and in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. Any court of law or equity, including courts of probate and insolvency, and any corporation, or person acting in any representative fiduciary, official or other capacity may deposit in trust or otherwise with said corporation, which is hereby authorized to receive the same, money or other property upon such terms as may be agreed upon.

May be appointed trustee under instrument creating a trust.

SECTION 2. The directors shall from time to time set apart as a trust guarantee fund, such portion of the capital as they may judge expedient not exceeding in the aggregate the amount which the stockholders shall have authorized to be so set apart, and not exceeding fifty per cent. thereof. The trust guarantee fund and all moneys or properties received or held in trust, unless by the terms of the trust some other mode of investment is prescribed, shall be loaned or invested only in such securities as savings banks chartered in this Commonwealth are now or may hereafter be authorized to invest in. All money or property held in trust including the trust guarantee fund shall constitute a trust deposit and such funds and the investment or loans of them shall be especially appropriated to the security and payment of such deposits and not be subject to any other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department in which all business pertaining to such trust property shall be kept separate and distinct from its general business.

Trust guarantee fund to be set apart.

Capital stock, etc., to be accepted as substitute for bond with sureties.

SECTION 3. The capital stock of said corporation with the liability of the stockholders existing thereunder, together with any specific portion of the capital set apart as a trust guarantee fund, as herein provided, shall be accepted as a substitute for bonds with sureties in all cases of deposits or undertakings where individuals would be required to give such bonds to the extent in the aggregate of fifty times the amount of such trust guarantee fund.

To take effect upon acceptance.

SECTION 4. This act shall take effect upon its acceptance by the International Trust Company; which acceptance, with the date thereof, shall within ten days thereafter be certified by the president of said corporation to the secretary of the Commonwealth.

[*The foregoing was laid before the Governor on the twenty-fourth day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Act accepted July 10, 1883.

Chap. 223 AN ACT GRANTING JURISDICTION IN EQUITY TO THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Superior Court to have jurisdiction in equity.

SECTION 1. The superior court shall have original and concurrent jurisdiction with the supreme judicial court in all matters in which relief or discovery in equity is sought, with all the powers and authorities incident to such jurisdiction, and may issue all general and special writs and processes required in proceedings in equity to courts of inferior jurisdiction, corporations and persons when necessary to secure justice and equity.

P. S. 151, except, etc., to apply to suits in equity in Superior Court.

SECTION 2. All the sections of chapter one hundred and fifty-one of the Public Statutes except sections one, twelve, twenty-seven, twenty-eight, thirty, thirty-one and thirty-three shall apply, except as herein otherwise provided, to suits in equity in the superior court. In these sections so applied, and in this act, the phrase "full court" shall mean the supreme judicial court in banc.

Proceedings, etc., to conform as nearly as may be to those of S. J. C.

SECTION 3. Proceedings, processes, and practice in such cases shall conform, as nearly as may be, to those of the supreme judicial court, and the general rules for the time being of the supreme judicial court for the regulation of practice in equity shall, except as herein otherwise provided, be rules of the superior court in the exercise of its equity jurisdiction, as far as those rules are applicable.

SECTION 4. For hearings, and making, entering and modifying orders and decrees in equity causes by a single justice, and issuing writs in such causes, the superior court shall be always open in each county, except on holidays established by law; and all such proceedings shall be deemed to be had in court, and not in chambers, whether the court at the time thereof is sitting or open for other purposes or not.

For hearings, etc., court to be always open, except upon holidays.

SECTION 5. Such suits shall be entered upon the same docket as other cases in the superior court. All processes shall be made returnable at the term next after fourteen days from the date of the process, if required to be served fourteen days before the return day, or at the term next after thirty days from such date, if required to be served thirty days before the return day, or at any rule day within three months after the date of the process.

Suits to be entered on the same docket as other cases.

SECTION 6. After an appeal is taken from a decree in equity of the superior court, any justice of the supreme judicial court, or the full court, may by order suspend, on terms or otherwise, the execution or operation of the decree appealed from, pending the appeal, and may modify or annul any order made for the protection of the rights of the parties pending the appeal; and any such order of a justice of the supreme judicial court may be modified or annulled by the full court upon motion.

After appeal is taken a justice of S. J. C. may suspend or modify decree.

SECTION 7. In cases of appeal from a decree in equity of the superior court, the justice by whom the decree was made, shall, at the request of the appellant, report the facts found by him as far as material, provided that such request be made within four days after the appellant has been notified of the entry of the decree, otherwise the granting of such report shall be in the discretion of the justice.

In case of appeal justice to furnish appellant with report of facts found by him if required, etc.

SECTION 8. If any defendant in a suit in equity in the superior court, or any person in his behalf, within thirty days after the day for appearance, makes affidavit of his belief that the matter involved in the suit equals four thousand dollars in value, and that his interest alone or jointly with any other defendant or defendants having an interest jointly or in common with him, equals four thousand dollars in value, and that he has a substantial defence, and of his intention to bring the cause to a hearing, and requests that the cause be transferred to the supreme judicial court, it shall be immediately transferred with the

Suit may be removed to S. J. C. if oath is made by defendant that matter involved equals four thousand dollars in value.

Before such removal Superior Court may make certain orders.

papers therein to that court, at the charge of the party removing the same, and the cause shall proceed as if originally instituted in that court. But before such removal the superior court may make such orders for the appointment of receivers, and of injunction or prohibition, or for continuing the same in force, as are needful for the protection of the rights of the parties until the suit is heard by the supreme judicial court; subject, however, to be modified or annulled by the order of that court on motion after the suit has been transferred as aforesaid.

Transfer to S. J. C. when suit should be heard with another suit therein pending.

SECTION 9. When it shall appear, upon motion to a single justice of the supreme judicial court, that any suit in equity pending in the superior court ought to be heard with a suit or cross-suit in equity pending in the supreme judicial court, the justice may order the first mentioned suit to be transferred to the supreme judicial court, and such suit shall thereupon be transferred accordingly at the charge of the party making such application, and the cause shall proceed as if originally instituted in that court.

Bill need not contain address to the court, or prayer for answer, etc.

SECTION 10. In a suit in equity in the supreme judicial or superior court, the bill need not contain any address to the court, or the usual commencement, or any prayer for an answer, for general relief, or for process, and the answer need not contain any saving of exceptions to the bill, or any prayer to be dismissed, or for costs, and a demurrer or plea need not contain any protestation or concluding prayer, and the omission thereof shall not affect the rights of the parties respectively. The bill, except when it is actually inserted in a writ, shall be entitled in the proper court, and with the full title of the cause containing the names and descriptions of all the parties. Bills, answers, petitions, and other pleadings may be signed by the party or his attorney, and shall not require any other signature. An answer to a bill shall not be sworn to or under seal, except in cases of bills filed for discovery only. The forms in the schedule hereto illustrate the application of the provisions of this section.

Pleadings may be signed by the party or his attorney.

Writ of summons, etc., or a trustee process instead of subpoena.

SECTION 11. When a suit in equity is commenced by filing a bill in either of said courts, the plaintiff may, at his election, take out a writ of summons and attachment, or a trustee process, instead of a writ of subpoena.

SECTION 12. No justice of the supreme judicial court or of the superior court shall dissolve an injunction issued by the other court, or a justice thereof, or interpose in any proceeding in the equity jurisdiction of the other court, except as provided for in the sixth, seventh and ninth sections of this act.

Injunction not to be dissolved by the other court.

SECTION 13. Suits in equity in the said courts may be brought in any county where a transitory personal action between the same parties might be brought, as well as where such suits may be brought under the laws now in force.

Where suits may be brought.

SECTION 14. In actions at law in the said courts, the defendant shall be entitled to allege as a defence any facts that would entitle him in equity to be absolutely and unconditionally relieved against the plaintiff's claim or cause of action, or against a judgment obtained by the plaintiff in such action; and the plaintiff shall be entitled to avail himself, in answer to any defence alleged by the defendant, of any facts that would avoid such defence in equity, or would entitle the plaintiff to be absolutely and unconditionally relieved in equity against such defence.

Relief in equity in actions at law.

SECTION 15. If upon the hearing of an appeal or exceptions by the full court, whether in an action at law or suit in equity or other proceeding, it appears that the appeal or exceptions are frivolous, immaterial, or intended for delay, the court may, either upon motion or without any motion therefor, award against the appellant or party taking exceptions double costs from the time when the appeal or exceptions were taken, and interest from the same time at the rate of twelve per cent. by the year on any sum which has been found due for debt or damages, or which he has been ordered to pay, or for which judgment has been recovered against him, or the court may award any part of such additional costs and interest.

Double costs, etc., may be awarded if appeals or exceptions are frivolous or intended for delay.

SECTION 16. The superior court may frame issues of fact to be tried by a jury in an equity cause, when requested by a party, and direct the same to be tried in the county where such cause is pending.

Issues of fact may be framed to be tried by a jury.

SECTION 17. Whenever an amendment is allowed in the superior court under the provisions of section forty-three of chapter one hundred and sixty-seven of the Public Statutes changing an action at law into a suit in equity or a suit in equity into an action at law, the superior court shall retain jurisdiction of said cause. And in

When action at law is changed into suit in equity, etc., in superior court, jurisdiction shall be retained in that court.

all proceedings in the supreme judicial court or the superior court no action or suit shall be defeated on the ground that there is an adequate remedy at law or that the relief sought can only be obtained by a suit in equity, but such proceeding whether at law or in equity shall at any time before final judgment be amendable at the discretion of the court and may be amended upon such terms as the court may determine.

Schedule of
forms.

SCHEDULE OF FORMS.

[1. *Bill for Redemption.*]

IN THE

COURT

SS.

BETWEEN

A. B. of
and C. D. of

in the county of
in the county of

Plaintiffs,

AND

E. F. of

in the county of

Defendant.

BILL OF COMPLAINT.

1. By a deed of mortgage dated the 1st of May, 1872, and recorded with Deeds, book page , the plaintiffs conveyed to the defendant in fee-simple a certain piece of land, situate, etc. [description], subject to redemption upon the plaintiffs, their heirs, executors, administrators, or assigns, paying to the defendant, his executors, administrators, or assigns, the sum of three thousand dollars in three years from the date of the said deed, with interest thereon at the rate of six per centum by the year, payable half-yearly.

2. Default was made in payment of the said principal sum, but the said interest was duly paid up to the 1st of May, 1875.

3. On or about the 15th of June, 1875, the defendant took possession of the premises comprised in the said mortgage, and has ever since continued in possession and in receipt of the rents and profits of the said premises.

4. On or about the 19th of October, 1881, the plaintiffs requested the defendant to render an account of the amount due on the said mortgage, but the defendant refused to do so.

5. The plaintiffs offer to pay to the defendant what shall be found due on the mortgage.

The plaintiffs pray

1. That an account may be taken of what is due to the defendant for principal and interest on the said mortgage;

2. That an account may be taken of the rents and profits of the said premises which have been received by the defendant or by any other person by his order or for his use, or which might but for his wilful default have been so received, and that what shall appear to be due to the plaintiffs in taking the account of rents and profits be deducted from what shall appear to be due to the defendant for principal and interest;

3. That it may be decreed that, upon the plaintiff paying to the defendant the sum (if any) which shall so be found due upon the mortgage, the plaintiffs shall have possession of the premises comprised in the said mortgage, to hold the same discharged of the said mortgage.

L. M.,
Solicitor for the Plaintiffs.

[2. *Answer*]

IN THE

COURT.

SS.

A. B. and Another v. E. F.

ANSWER.

1. This defendant admits the allegations contained in the 1st, 3d and 4th paragraphs of the plaintiff's bill.

2. This defendant admits that the interest upon the said mortgage was duly paid up to the 1st of November, 1873; but he denies that it was paid up to any later time.

3. Default was made in payment of the principal sum secured by the said mortgage and the interest thereon; and on the 15th of June, 1875, after the said default, this defendant made an open, peaceable, and unopposed entry on and took possession of the premises comprised in the said mortgage, for the purpose of foreclosing the right of redemption thereof; and a certificate of two competent witnesses to prove the said entry was duly made and sworn and recorded in the Registry of Deeds for the said County of _____, within thirty days from the said entry.

4. The possession so obtained by this defendant was continued peaceably for more than three years before the commencement of this suit.

J. S.,
Solicitor for the Defendant.

[3. *Demurrer.*]

IN THE

COURT.

SS.

G. H. v. T. L. and Others.

DEMURRER [*or* DEMURRER OF T. L. AND R. C., TWO OF THE DEFENDANTS].

The defendants [*or* These defendants] demur to the plaintiff's bill and for causes of demurrer show

1. That the plaintiff has not stated such a case as entitles him to any relief in equity against these defendants or either of them;

2. That, etc.

J. S.,
Solicitor for the [or the said two] Defendants.

I certify that this demurrer is not intended for delay.

J. S.

[*The foregoing was laid before the Governor on the twenty-eighth day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap.224 AN ACT RELATING TO THE EMPLOYMENT OF CHILDREN IN MANUFACTURING AND OTHER ESTABLISHMENTS.

Be it enacted, etc., as follows:

Children under ten years not to be employed, etc.

SECTION 1. Section one of chapter forty-eight of the Public Statutes is hereby amended so as to read, "Section 1. No child under ten years of age shall be employed in any manufacturing, mechanical or mercantile establishment in this Commonwealth; and no child under twelve years of age shall be so employed during the hours in which the public schools are in session in the city or town in which he resides. Any parent or guardian who permits such employment shall for such offence forfeit not less than twenty nor more than fifty dollars, for the use of the public schools of the city or town."

Children under twelve years not to be employed during hours when public schools are in session.

To take effect July 1, 1883.

SECTION 2. This amendment shall take effect July first in the year of our Lord eighteen hundred and eighty-three.

[*The foregoing was laid before the Governor on the twenty-eighth day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap.225 AN ACT TO PREVENT THE USE OF UNLAWFUL MEASURES.

Be it enacted, etc., as follows:

Unlawful measures may be seized.

A sealer or deputy sealer of weights and measures, or any person specially authorized thereto by the mayor and aldermen of a city or selectmen of a town, may seize any measures in the possession of a vendor of merchandise or of articles offered for sale and used or intended to be used for measuring merchandise, or articles offered for sale and not made of the shape and dimensions required by law and sealed as so required, and having seized any such measures shall make complaint against such vendor of having in his possession such measures with intent to use the same in violation of law. The possession of any such measures by such vendor shall be *prima facie* evidence that the said measures were intended to be used in violation of law, and any person convicted on the complaint aforesaid shall be subject to a fine not exceeding twenty dollars for each offence, and the court so convicting shall cause said measures to be destroyed.

Penalties.

[*The foregoing was laid before the Governor on the thirty-first day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT
THE STATE ALMSHOUSE AT TEWKSBURY.

Chap.226

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and current expenses at the state almshouse at Tewksbury during the year eighteen hundred and eighty-three, to wit:—For payment of salaries at the state almshouse at Tewksbury, a sum not exceeding twenty thousand dollars; and for other current expenses of said institution, a sum not exceeding seventy thousand dollars.

Appropriations.

Salaries and
expenses at
state almshouse.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twenty-second day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT TO INCORPORATE THE CAPE COD HISTORICAL SOCIETY.

Chap.227

Be it enacted, etc., as follows :

SECTION 1. Charles F. Swift, Samuel Snow, Josiah Paine, George Marston and Benjamin C. Sparrow, their associates and successors, are hereby made a corporation by the name of the Cape Cod Historical Society, for the purpose of collecting, preserving and publishing historical matter relating to the county of Barnstable and vicinity, and for the maintenance of a cabinet and library; and for these purposes shall have all the powers and privileges, and be subject to all the duties, requirements and liabilities, set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

Name and
purpose.

SECTION 2. The said corporation may hold and possess real and personal estate to an amount not exceeding five thousand dollars.

Real and per-
sonal estate.*Approved June 9, 1883.*

AN ACT TO CHANGE THE NAME OF THE PRUSHAN RUBBER COMPANY.

Chap.228

Be it enacted, etc., as follows :

SECTION 1. The name of the "Prushan Rubber Company," originally incorporated under the laws of the Commonwealth on the seventeenth day of November in the year eighteen hundred and eighty, is changed to the "Readville Rubber Company, of Hyde Park."

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1883.

Chap.229 AN ACT AUTHORIZING MODERATORS AND TOWN CLERKS TO APPOINT TELLERS IN TOWN MEETINGS.

Be it enacted, etc., as follows :

Tellers may be appointed in town meetings.

SECTION 1. Moderators and town clerks when required to preside at town meetings may appoint tellers to aid them in checking the names of voters, or in assorting and counting votes. Such tellers shall be sworn to the faithful discharge of their duties by the town clerk, who shall make record of the taking of such oath.

Penalties.

SECTION 2. Every such teller shall be subject to the same penalties to which the officer so appointing him is subject in the performance of the duties in which such teller assists.

Approved June 9, 1883.

Chap.230 AN ACT CONCERNING THE SALE OF DRESSED POULTRY.

Be it enacted, etc., as follows :

Poultry to be properly dressed before sale.

SECTION 1. No poultry, except it be alive, shall be sold or exposed for sale until it has been properly dressed by the removal of the entire head, entrails and feathers, and of the crop when containing any food or other substance.

Penalty.

SECTION 2. Whoever sells or exposes for sale poultry contrary to the provisions of section one of this act shall be punished by a fine of five dollars for each bird sold or exposed for sale. The boards of health in the several cities and towns shall cause the provisions of this act to be enforced in their respective cities and towns.

Not to apply to green geese, etc.

SECTION 3. This act shall not apply to green geese or green ducks at any season of the year, nor to broiler chickens weighing two pounds or less, with crops shrunken to the body, during the months of July, August and September.

To take effect July 1, 1883.

SECTION 4. This act shall take effect on the first day of July in the year eighteen hundred and eighty-three.

Approved June 9, 1883.

Chap.231 AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes spec-

ified in certain acts and resolves of the present year, and for other purposes, to wit:—

For the Massachusetts Charitable Eye and Ear Infirmary, ten thousand dollars, as authorized by chapter three of the resolves of the present year.

Eye and Ear
Infirmary.

For protection against fire, for an ice-house and for sundry repairs at the State Lunatic Hospital at Taunton, five thousand five hundred dollars, as authorized by chapter four of the resolves of the present year.

Lunatic hospital
at Taunton.

For the town of Pepperell, eighty-six dollars and thirty-six cents, as authorized by chapter six of the resolves of the present year.

Town of
Pepperell.

For the town of Norton, two hundred and sixty-eight dollars and thirty-five cents, as authorized by chapter seven of the resolves of the present year.

Town of
Norton.

For the completion of the work on the war records in the department of the adjutant-general, four thousand dollars, as authorized by chapter ten of the resolves of the present year.

War records.

For providing for new steam boilers and pipes at the State Workhouse at Bridgewater, three thousand dollars, as authorized by chapter thirteen of the resolves of the present year.

State Work-
house.

For printing the report of the trustees of the Massachusetts Agricultural College, a sum not exceeding two hundred dollars, as authorized by chapter sixteen of the resolves of the present year.

Mass Agricul-
tural College.

For repairs to the buildings of the State Normal School at Bridgewater and for furnishing cases for the laboratory, one thousand dollars, as authorized by chapter seventeen of the resolves of the present year.

Normal School
at Bridgewater.

For the completion of the new hospital at the State Primary School at Monson, four hundred and one dollars and ninety-six cents, as authorized by chapter eighteen of the resolves of the present year.

Primary School
at Monson.

For Rand, Avery and Company, two hundred and ten dollars and thirteen cents, as authorized by chapter twenty of the resolves of the present year.

Rand, Avery &
Company.

For the erection of a laundry and for painting and repairing the buildings at the State Lunatic Hospital at Danvers, fifteen thousand five hundred dollars, as authorized by chapter twenty-one of the resolves of the present year.

Lunatic hospital
at Danvers.

Boundaries of cities and towns bordering on the sea.

For expenses in connection with the act in relation to the boundaries of cities and towns bordering upon the sea, five hundred dollars, as authorized by chapter twenty-two of the resolves of the present year.

Mark Pickering.

For an annuity to Mark Pickering, two hundred and forty dollars, as authorized by chapter twenty-three of the resolves of the present year.

Ellen Madigan.

For Ellen Madigan, seventy-five dollars, as authorized by chapter twenty-four of the resolves of the present year.

Timothy Murphy.

For an annuity to Timothy Murphy, two hundred dollars, as authorized by chapter twenty-five of the resolves of the present year.

John William Robert Sawin.

For an annuity to John William Robert Sawin, one hundred and fifty dollars, as authorized by chapter twenty-six of the resolves of the present year.

Soldiers' Home.

For the trustees of the Soldiers' Home in Massachusetts, fifteen thousand dollars, as authorized by chapter twenty-seven of the resolves of the present year.

New Hampshire boundary line.

For expenses in connection with establishing the boundary line between the Commonwealth and the state of New Hampshire, a sum not exceeding one thousand dollars, as authorized by chapter twenty-eight of the resolves of the present year.

Disabled Soldiers' Employment Bureau.

For the Disabled Soldiers' Employment Bureau, eight hundred dollars, as authorized by chapter twenty-nine of the resolves of the present year.

State house.

For Edison electrical installation at the state house, under a concurrent order of both branches of the legislature, three thousand dollars.

Henry J. White.

For Henry J. White, one hundred dollars, as authorized by chapter thirty-two of the resolves of the present year.

Normal School at Westfield.

For repairing the building and fencing the grounds of the State Normal School at Westfield, twelve hundred and fifty dollars, as authorized by chapter thirty-six of the resolves of the present year.

Rhode Island boundary line.

For expenses in connection with establishing a portion of the boundary line between the Commonwealth of Massachusetts and the state of Rhode Island, a sum not exceeding one thousand dollars, as authorized by chapter one hundred and fifty-four of the acts of the present year.

Doorkeepers, messengers and pages.

For the compensation of the doorkeepers, messengers and pages of the present legislature, a sum not exceeding

ten thousand dollars, in addition to the amount heretofore appropriated.

For the salary of the third clerk in the department of the secretary of the Commonwealth, one hundred dollars, in addition to the amount heretofore appropriated, as authorized by chapter forty-eight of the acts of the present year.

Third clerk
Secretary's
Department.

For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding two thousand dollars in addition to the amount heretofore appropriated, as authorized by Public Statutes, chapter sixteen.

Witnesses
before com-
mittees.

For the authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars, in addition to the amount heretofore appropriated.

Expenses of
committees.

For the Massachusetts Charitable Society, twelve hundred and forty-eight dollars and ninety-one cents, being the amount assessed on account of bank stocks held by them, as authorized by chapter thirteen, section eighteen, of the Public Statutes.

Mass. Charitable
Society.

For the purpose of exterminating contagious diseases among horses and cattle, a sum not exceeding fifteen hundred dollars, as authorized by chapter ninety of the Public Statutes.

Contagious dis-
eases among
cattle, etc.

For expenses of the state valuation, three thousand dollars, as authorized by chapter eleven, sections ninety-six and ninety-seven, of the Public Statutes.

State valuation.

For travelling expenses of the executive council, a sum not exceeding one thousand dollars, the same to be in addition to the amount heretofore appropriated, as authorized by chapter fifteen, section four, of the Public Statutes.

Travelling
expenses of the
council.

For the compensation of Edmund H. Bennett, arbitrator in the matters of dispute between the Commonwealth and Amaziah Mayo and George G. Baker, contractors, relative to building the Reformatory Prison for Women at Sherborn, three hundred and twenty dollars, as authorized by chapter forty-seven of the resolves of the year eighteen hundred and seventy-eight.

Edmund H.
Bennett,
arbitrator.

For small items of expenditure for which no appropriations have been made, or for which appropriations have been exhausted or reverted to the treasury in previous years, a sum not exceeding one thousand dollars.

Small items of
expenditure.

Department of
health.

For the general work of the department of health, including chemical analyses, sanitary investigations and reports, and travelling expenses for inspections, a sum not exceeding twenty-five hundred dollars, in addition to the amount heretofore appropriated.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1883.

Chap. 232

AN ACT RELATING TO INDIGENT AND NEGLECTED CHILDREN.

Be it enacted, etc., as follows:

Destitute children may be placed in care St. Mary's Infant Asylum.

SECTION 1. Section twenty-one of chapter eighty-four of the Public Statutes is amended by inserting after the word "Asylum," in the fourth line, the words "or St. Mary's Infant Asylum."

State board to be notified of reception of infants by asylum.

SECTION 2. Section forty-four of chapter eighty-six of the Public Statutes is amended by inserting after the word "charter," in the third line, the following words, "or to the St. Mary's Infant Asylum agreeably to the provisions of its charter."

State board to provide for infants when asylum is full.

SECTION 3. The provisions of section forty-six of chapter eighty-six of the Public Statutes as amended by chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-two, shall apply to the St. Mary's Infant Asylum; but overseers of the poor shall commit any indigent or neglected infants having no known settlement in this Commonwealth to the custody of the state board of health, lunacy and charity, which board shall provide for said infants in either of said asylums, or in a family or other suitable place, as they may judge to be best for the interests of each child.

SECTION 4. This act shall take effect upon its passage.

Approved June 9, 1883.

Chap. 233

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO TAKE A DEED OF CERTAIN LAND IN SAID CITY FROM MARY B. YOUNG.

Be it enacted, etc., as follows:

City of Fall River may take deed of land, etc., from Mary B. Young.

SECTION 1. The city of Fall River by its city council is hereby authorized and empowered to take from Mary B. Young, her heirs, executors or assigns; a deed of the land and of the building which she proposes to erect thereon for a high school, subject to a condition therein that the teachers selected, employed and continued in said high school and the departments connected therewith,

shall be approved in writing by certain persons to be named in said deed, and their successors; and in default thereof said premises with the buildings and improvements thereon shall revert to the said Mary B. Young, her heirs and assigns.

SECTION 2. The said city is also authorized to take, hold, transfer and administer, upon the trusts set forth in the deed or instrument of conveyance, such property, real or personal, as may be conveyed to it by said Mary B. Young, or any other person or persons, in trust for any present or future uses or departments connected with the high school of said city, and adopt such ordinances as may be deemed necessary for the administration of said trusts.

May hold and administer the property upon the trusts set forth in the deed.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1883.

AN ACT TRANSFERRING THE POWERS AND DUTIES OF THE SPECIAL COMMISSIONER FOR THE MYSTIC RIVER CORPORATION TO THE BOARD OF HARBOR AND LAND COMMISSIONERS.

Chap. 234

Be it enacted, etc., as follows:

SECTION 1. The office of commissioner to supervise the work done by the Mystic River Corporation, provided for by section three of chapter four hundred and eighty-one of the acts of the year eighteen hundred and fifty-five, entitled "An Act relating to the Mystic River Corporation," is hereby abolished. All the authority, powers and duties imposed upon said commissioner by said chapter are transferred to the board of harbor and land commissioners.

Office of commissioner abolished, and powers, etc., transferred to harbor and land commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1883.

AN ACT CONCERNING THE ADMINISTRATION OF THE STATE DEPARTMENT OF INSURANCE.

Chap. 235

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter one hundred and nineteen of the Public Statutes, relating to the examination of domestic insurance companies, is hereby amended by inserting in the first line after the word "deputy," the following words,—"or the first clerk specified in section four, under the direction of the commissioner."

Certain examinations may be made by the first clerk.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1883.

Chap.236 AN ACT TO CHANGE THE NAME OF THE EPISCOPAL METHODIST SOCIETY OF COCHITUATE, TO CONFIRM CERTAIN PROCEEDINGS OF SAID SOCIETY AND CERTAIN CONVEYANCES TO THE SAME, AND TO AUTHORIZE SAID SOCIETY TO SELL ITS REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the Episcopal Methodist Society of Cochituate, a religious corporation in the town of Wayland, organized under the general laws of this Commonwealth on the twenty-third day of April in the year eighteen hundred and sixty-six, is hereby changed to the "Methodist Episcopal Society of Cochituate."

Acts confirmed.

SECTION 2. All acts done prior to the passage of this act under the name of the Methodist Episcopal Society of Cochituate shall have the same force and effect as if done under the name of the Episcopal Methodist Society of Cochituate.

Conveyances made valid.

SECTION 3. All conveyances by deed or otherwise made to the Episcopal Methodist Society of Cochituate under the name of the Methodist Episcopal Society of Cochituate are ratified, confirmed and made valid to the same extent as if made under the name of the Episcopal Methodist Society of Cochituate.

May sell real and personal estate.

SECTION 4. The Methodist Episcopal Society of Cochituate is authorized to sell and convey by deed and bill of sale all its real and personal estate unto the trustees of the Methodist Episcopal Church of Cochituate.

SECTION 5. This act shall take effect upon its passage.

Approved June 9, 1883.

Chap.237 AN ACT RELATING TO THE EAST BOSTON RAILWAY DOCK AND ELEVATOR COMPANY.

Be it enacted, etc., as follows:

Time extended for completion of organization.

SECTION 1. The East Boston Railway Dock and Elevator Company, incorporated by chapter two hundred and eighty-eight of the acts of eighteen hundred and eighty-one, may at any time within two years from the thirteenth day of May eighteen hundred and eighty-three complete its organization, and may at any time within said period take land and do such other things as are authorized by said chapter to be done within two years from the passage of said act of incorporation.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1883.

AN ACT AUTHORIZING THE BAY STATE TELEPHONE COMPANY TO
INCREASE ITS CAPITAL STOCK.

Chap. 238

Be it enacted, etc., as follows:

SECTION 1. The Bay State Telephone Company, incorporated under the general laws of this Commonwealth, is hereby authorized to increase its capital stock, from time to time, to a sum not exceeding in the aggregate two millions of dollars.

May increase capital stock.

SECTION 2. Such increase shall be made in the manner provided in section thirty-four of chapter one hundred and six of the Public Statutes, and shall be subject to the provisions of the said chapter, so far as the same may be applicable.

Subject to provisions of P. S. 106, § 34.

SECTION 3. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the fourth day of June, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT CONCERNING THE MASSACHUSETTS SCHOOL FOR IDIOTIC
AND FEEBLE-MINDED YOUTH.

Chap. 239

Be it enacted, etc., as follows:

SECTION 1. The name of the Massachusetts School for Idiotic and Feeble-Minded Youth is hereby changed to the "Massachusetts School for the Feeble-Minded," and there shall be established as a department thereof, an asylum for idiots who are beyond the school age, or are not capable of being benefited by school instruction. The corporation and trustees of said school shall have and exercise the same powers, and be subject to the same duties with respect to said asylum, except as hereinafter provided, which they now have and exercise or are subject to concerning said school.

Name changed.

SECTION 2. Pupils hitherto received and maintained in said Massachusetts School for Idiotic and Feeble-Minded Youth shall be supported in the buildings and on the grounds of said institution, wherever located, and may be classified in such departments as the trustees shall see fit, such support to be at the expense of persons liable for their maintenance; but, if they have no property or kindred able to support them, the price of such support shall be paid quarterly by the city or town in which they have a settlement, such price being hereby fixed at the same rate now or hereafter to be established for the support of

Support of pupils.

state, city and town paupers in state lunatic hospitals; and, if they have no settlement within the Commonwealth, the state shall maintain them as at present, but in special cases, pupils having a settlement may be maintained at the expense of the Commonwealth, or from the funds belonging to the institution, at the discretion of the trustees.

Charges for
support.

SECTION 3. From and after the first day of January in the year eighteen hundred and eighty-four, the charges for the support of pupils and other inmates of said Massachusetts School for the Feeble-Minded shall be paid quarterly, as follows: — For those having known settlements, either by the person bound to pay, or by the place in which such pupils or inmates had their settlement at the time of their admission, unless other sufficient security is taken to the satisfaction of the trustees for such support. For idiots not having known settlements in this Commonwealth, the charges shall be paid by the Commonwealth, and the same may afterwards be recovered by the treasurer of the Commonwealth, of the idiots themselves, if of sufficient ability to pay the same, or of any person or kindred bound by law to maintain them, or of the place of their settlement, if any such is ascertained; and if any such place or person refuses to pay such charges or such sum as may be charged and due, for thirty days after the same has been demanded in writing by the treasurer, of the mayor and aldermen of the city, or of the selectmen of the town, or of the person liable therefor, the same, with interest from the time of such demand, may be recovered for the use of said school, in an action to be instituted by the district attorneys, or other prosecuting officers, in the name of the treasurer, against such delinquent city, town or person.

May recover
amount of ex-
penses for sup-
port, etc., from
place of settle-
ment.

SECTION 4. Every city or town paying the expenses for the support or removal of an idiot admitted to said Massachusetts School for the Feeble-Minded shall have like rights and remedies to recover the full amount thereof, with interest and costs, of the place of his settlement, as if such expenses had been incurred in the ordinary support of the idiot, and the idiot, if of sufficient ability to pay the same, and any kindred bound by law to maintain him, shall be liable for all such expenses paid by a city or town in either case.

Commitments to
be made by
judge of probate
or municipal
court.

SECTION 5. When it is made to appear upon application in writing to a judge of a probate or municipal court, that a person is idiotic, and a fit subject for said Massa-

chusetts School for the Feeble-Minded, such judge may send such person to said institution, upon an order of commitment, accompanied by the certificate of a physician who is a graduate of some legally organized medical college, and has practised three years in the Commonwealth, that such person is a suitable subject for said institution, and is not insane: *provided*, that such order of commitment shall be directed to the trustees of said institution, who shall be at liberty to receive the person committed, or to send him to his own home, or to the state almshouse or to the place of his settlement, if, in their judgment, he ought not to be received into the institution.

SECTION 6. The trustees of the said school for the feeble-minded may receive and discharge pupils at their discretion, and may at any time discharge any pupil or other inmate, and cause him to be removed, either to his home, or to the place of his settlement, or to the state almshouse, and they may also allow any inmate to be absent on a visit for a period not exceeding three months. They may admit state pupils upon special conditions, from this Commonwealth, or from any other state or province: *provided*, that the number of such special state pupils supported by this Commonwealth shall not exceed fifty-five at any one time. All accounts for the support of pupils by the Commonwealth, under the provisions of this act, shall, after they have been approved by the board of health, lunacy and charity, be presented to the auditor and paid from the treasury.

Pupils may be received and discharged by the trustees.

SECTION 7. Section twenty-eight of chapter eighty-six of the Public Statutes, and so much of section fifty-six of chapter eighty-seven of the Public Statutes, and so much of chapter twenty-six of the resolves of the year eighteen hundred and sixty-one, chapter nine of the resolves of the year eighteen hundred and sixty-nine, and chapter eighteen of the resolves of the year eighteen hundred and seventy-four as relates to the payment of money, and all other acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

[The foregoing was laid before the Governor on the fourth day of June, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.]

Chap. 240

AN ACT TO AUTHORIZE THE TOWN OF HOPKINTON TO PURCHASE FIRST MORTGAGE BONDS OF THE HOPKINTON RAILROAD COMPANY AND TO RAISE MONEY FOR THAT PURPOSE.

Be it enacted, etc., as follows:

May purchase
certain railroad
bonds.

SECTION 1. The town of Hopkinton is hereby authorized to purchase first mortgage bonds of the Hopkinton Railroad Company, and to raise a sum of money not exceeding seventy thousand dollars for that purpose.

May issue notes
or bonds in
payment.

SECTION 2. For the purpose of paying for said first mortgage railroad bonds, the town of Hopkinton shall have the authority to issue the notes or bonds of the town in sums of one thousand dollars each, at a rate of interest not exceeding four per cent. per annum, and to an aggregate amount not exceeding seventy thousand dollars, and payable not less than five thousand dollars each year, said town notes or bonds to be signed by the town treasurer and countersigned by the selectmen of Hopkinton.

May raise
money annually
by taxation for
interest, etc.

SECTION 3. The town of Hopkinton shall annually raise by taxation an amount sufficient, with the income received by said town from said railroad bonds or from the rental or lease of said railroad, to pay the interest annually on all the town notes or bonds authorized by this act, and also to pay and cancel annually five of the town notes or bonds of one thousand dollars each hereby authorized.

May sell notes
or bonds.

SECTION 4. The town of Hopkinton may sell the town notes or bonds authorized by this act at public or private sale, upon such terms and conditions as it may deem proper.

Subject to as-
sent by a two-
thirds vote.

SECTION 5. This authority to the town of Hopkinton to purchase the first mortgage bonds of the Hopkinton Railroad Company, and to issue town notes or bonds for that purpose, is granted on condition that the same is assented to by a vote of two-thirds of the voters of the town qualified to vote in town affairs, present and voting by ballot, using the check-list, at any legal town meeting called for that purpose.

SECTION 6. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the eighth day of June, 1883, and after five days it had the "force of a law" as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

AN ACT TO PROVIDE FOR THE ABATEMENT OF A NUISANCE IN THE *Chap.241*
CITY OF FALL RIVER.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of preventing or abating a nuisance existing in the city of Fall River, upon or along the line of the Quequechan River, so called, between the dam of the Watuppa Reservoir Company and the sand-bar or outlet of the Watuppa ponds, or upon or about the adjacent lands, flats or waters, and for the protection of the health of the inhabitants of said city, the board of harbor and land commissioners, upon petition of the mayor and board of aldermen of said city, shall have the powers and perform the duties herein set forth.

Abatement of a nuisance in Fall River.

SECTION 2. In addition to the other powers herein expressly conferred, the said commissioners shall have all powers relating to the abatement of nuisances conferred by general laws upon boards of health. They may act by a majority of their members, and in all their doings they shall proceed in the most expeditious and summary manner consistent with due regard for private rights and the protection of the public health.

Powers of commissioners.

SECTION 3. The said commissioners shall forthwith proceed to investigate the causes of said nuisance, and to determine the best method of preventing or abating the same, having regard, so far as practicable, to the preservation of the channel lines of said river, and may hear any interested person who desires to be heard thereon, giving public notice of the time and place of hearing, and may thereupon, by notice in writing, direct any person who appears to be wholly or in any part responsible for the existence of such nuisance to abate the same in such manner and within such time as they may determine and set forth in such notice. If such person, or an agent authorized to receive service, is not found in the county of Bristol, the notice may be served by leaving a copy thereof at his last and usual place of abode within the county, if any, or by publishing the same in such newspapers as the said commissioners may determine.

Commissioners to investigate and determine best method of abatement of nuisance.

SECTION 4. If the requirements of such notice are not performed to the satisfaction of the said commissioners, they may in writing direct the mayor and board of aldermen of said city to abate said nuisance, wholly or in such part as the said commissioners may prescribe, and the mayor and aldermen shall have power so to do, and to

If requirements are not met, mayor and aldermen may be directed to abate, etc.

perform all directions of the commissioners therein, and for that purpose, under direction of the commissioners, they may enter upon or take possession of any lands, flats, waters, dams or other structures, and may hold and occupy or use the same so long and in such manner as the commissioners may deem necessary to the purposes hereof, and may raise or fill any lands or flats to such grade, and may divert or exclude any waters in such way or manner and to such extent as the commissioners may deem necessary to such purpose, and may do any and all acts in the judgment of the commissioners necessary thereto. The mayor and board of aldermen, however, shall have discretionary power to proceed, as herein before provided, as rapidly as they may deem expedient.

Application for damages.

SECTION 5. Any person injured in his property or rights by any act done hereunder may, within one year after such act, apply to the said commissioners for assessment of his damages, and they shall hear and determine the application and may award or refuse to award damages thereon. The city of Fall River shall have the right to be heard on all such applications.

Expenses of work to be assessed upon persons causing the nuisance.

SECTION 6. The entire amount of the expenses of the work done by the mayor and aldermen under the direction of the commissioners, with all damages awarded by the commissioners on account thereof, shall be by the commissioners apportioned and assessed upon the persons causing said nuisance, and the persons, if any, specially benefited by the work, in such manner and in such sums or proportions as they may determine, having regard to the rules prescribed in section one of chapter fifty-one of the Public Statutes. If the same person is assessed with expenses or benefits and is also allowed damages, the one amount shall be set off against the other and the balance only shall be paid or collected. All benefit so assessed shall constitute a lien upon the property adjudged to be benefited, until payment thereof.

Damages, etc., to be at first paid by city of Fall River.

SECTION 7. The entire amount of expenses of every description, and damages if any there be resulting from said work, shall be payable, in the first instance, out of the treasury of the city of Fall River. All assessments laid as herein provided, and all liens resulting therefrom, shall be and inure to and for the benefit of said city, and the city may enforce and collect the same in the manner provided by law for the collection of taxes, or by an action at law.

SECTION 8. As soon as may be after the completion of the work herein provided for, the said commissioners shall return to the superior court in the county of Bristol a report of all their doings hereunder. The acceptance of the report of the commissioners after such notice and hearing thereon as the court in its discretion may prescribe, shall be final and conclusive upon the rights of all parties, except as hereinafter provided, and a copy of such report, duly attested by the clerk of the court, shall be filed in the registry of deeds for the north district of said county.

Commissioners
to make return
of their
doings to the
superior court.

SECTION 9. The city of Fall River, or any person aggrieved by any judgment or order of the commissioners assessing expenses or benefits, or awarding or refusing damages, may, within one year after such judgment or order, apply by petition to the superior court in Bristol County for revision thereof, and the court shall proceed thereon as provided in section one hundred and five of chapter forty-nine of the Public Statutes; but no costs shall be taxed by the prevailing party except such actual disbursements as are taxable by law. In all such proceedings brought by any person or corporation other than the city of Fall River, said city shall be deemed and treated as the adverse party. No act, order or judgment of the commissioners shall be drawn in question otherwise than as provided in this section.

Parties ag-
grieved may ap-
ply to the supe-
rior court.

SECTION 10. This act shall take effect upon its acceptance by the city council of the city of Fall River.

Approved June 16, 1883.

AN ACT RELATIVE TO UNCLAIMED DIVIDENDS IN INSOLVENCY.

Chap. 242

Be it enacted, etc., as follows:

If a dividend, which a court of insolvency has declared, remains for six months unclaimed; the assignee who was ordered to pay over the same may deposit it in some savings bank or other like institution, or invest it in bank stock or other stocks, as the court of insolvency may direct, to accumulate for the benefit of the person entitled thereto. Such deposit or investment shall be made in the name of the judge of the court of insolvency for the time being, and shall be subject to the order of such judge and of his successors in office as hereinafter provided. The person making such deposit or investment shall file in the

Unclaimed divi-
dends may be
deposited or in-
vested by as-
signee.

To be transferred by order of judge, to party entitled to receive it.

court of insolvency a memorandum thereof, with the original certificate or other evidences of title thereto, which shall be allowed as sufficient voucher for such payment. When the person entitled to the money deposited satisfies the judge of such court of insolvency of his right to receive the same, the judge shall cause it to be transferred and paid over to him.

Approved June 16, 1883.

Chap.243

AN ACT FIXING THE RESPONSIBILITY OF RAILROAD CORPORATIONS FOR NEGLIGENTLY CAUSING DEATH OF EMPLOYEES.

Be it enacted, etc., as follows:

Liability of railroad corporation for causing death of employees.

Section two hundred and twelve of chapter one hundred and twelve of the Public Statutes, is hereby amended by inserting after "indictment" in the twenty-second line, the following words, "and if an employee of such corporation being in the exercise of due care is killed under such circumstances as would have entitled the deceased to maintain an action for damages against such corporation, if death had not resulted, the corporation shall be liable in the same manner and to the same extent as it would have been if the deceased had not been an employee."

Approved June 16, 1883.

Chap.244

AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF ESSEX.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The judge of probate and insolvency for the county of Essex, from and after the first day of January in the year eighteen hundred and eighty-three, shall receive an annual salary of three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1883.

Chap.245

AN ACT RELATING TO THE CARE AND EDUCATION OF NEGLECTED CHILDREN.

Be it enacted, etc., as follows:

Officers to make complaints and carry into execution the judgments thereon.

Section nineteen of chapter forty-eight of the Public Statutes, relating to the care and education of neglected children, is hereby amended by inserting in the eighth line thereof, after the word "complaints," the words "and carry into execution the judgments thereon."

Approved June 16, 1883.

AN ACT TO AUTHORIZE THE TOWN OF NORTON TO RECEIVE AND
HOLD CERTAIN PROPERTY IN TRUST. Chap. 246

Be it enacted, etc., as follows:

SECTION 1. The town of Norton is hereby authorized to receive from Cyrus Hicks of Boston the sum of four thousand dollars, the same to be forever held in trust for the following purposes, to wit: one-half of the income of said fund shall be used to keep in repair the burial lot of the said Cyrus Hicks situate in the centre burial ground in Norton, and the other half of said income shall be appropriated by said town towards defraying its ordinary expenses.

Town may receive and hold certain property in trust.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1883.

AN ACT TO ENABLE FIRE DISTRICT NUMBER ONE OF GREENFIELD TO
INCREASE ITS WATER SUPPLY. Chap. 247

Be it enacted, etc., as follows:

SECTION 1. The fire district number one of the town of Greenfield, for the purpose of furnishing an additional water supply for itself and the inhabitants of the towns of Greenfield and Deerfield, for the extinguishment of fires and for domestic and other purposes, may take, by purchase or otherwise, and hold the water of Fisk Brook, so called, in the towns of Greenfield, Shelburne and Colrain, and the water rights connected therewith and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said towns of Greenfield and Deerfield, and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said fire district may dig up any such lands, and under the direction of the board of selectmen of the town

May take and hold water of Fisk Brook.

May construct and lay down conduits.

in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

To have recorded in the registry of deeds a description of the land taken.

SECTION 2. The said fire district shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the chairman of the prudential committee of said fire district.

Payment of damages.

SECTION 3. The said fire district shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said fire district under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said fire district as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said fire district under the authority of this act.

No application for damages to be made until water is withdrawn.

Greenfield Fire District Water Loan.

SECTION 4. The said fire district may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, and for the purpose of paying or refunding the present indebtedness of said fire district, issue, from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words "Greenfield Fire District Water Loan"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer, and be countersigned by the chairman of the

prudential committee, of said fire district. The said fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said fire district shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose. The said fire district may, instead of establishing said sinking fund, pay the principal of said loan by annual instalments not exceeding the sum of ten thousand dollars in any one year.

Sinking fund.

SECTION 5. The said fire district shall raise annually, by taxation, a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

To raise annually by taxation sufficient to pay interest and current expenses.

SECTION 6. The said fire district may distribute the water through the said towns of Greenfield and Deerfield; may establish fountains and hydrants, re-locate or discontinue the same; may regulate the use of said water and fix and collect rates to be paid for the use of the same.

Water supply for Greenfield and Deerfield.

SECTION 7. The said fire district shall exercise the rights, powers and authority given by this act, subject to the duties, liabilities and restrictions herein contained, in such manner and by such agents and officers as said fire district shall from time to time ordain, appoint and direct.

Powers and duties.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said fire district under the authority and for the purposes of this act, shall forfeit and pay to said fire district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for injury to property, corrupting water, etc.

Subject to acceptance by a two-thirds vote.

SECTION 9. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said fire district, present and voting thereon at a legal meeting of said fire district called for the purpose, within three years from its passage.

[*The foregoing was laid before the Governor on the twelfth day of June, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap.248

AN ACT IN ADDITION TO AN ACT OF THE PRESENT YEAR TO EXTEND THE TIME WITHIN WHICH SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS MAY SELL CERTAIN REAL ESTATE NOW HELD BY THEM.

Be it enacted, etc., as follows :

Time extended, to savings banks, for sale of certain real estate.

SECTION 1. The exemption from taxation granted to savings banks and institutions for savings by section twenty of chapter thirteen of the Public Statutes on account of real estate acquired by the completion of foreclosure, or by purchase under the provisions of the eighth clause of section twenty of chapter one hundred and sixteen of the Public Statutes, is hereby extended and shall be allowed for the term during which such real estate shall be held under the provisions of chapter fifty-two of the acts of the present year, or of any general law; and the tax for the present year shall be assessed and collected in accordance with the provisions of this act.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twelfth day of June, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap.249

AN ACT RELATING TO THE BOND OF THE TREASURER OF THE TRUSTEES OF THE HOME FOR AGED FEMALES IN THE CITY OF WORCESTER, AND THE AMOUNT OF PROPERTY WHICH SAID CORPORATION MAY HOLD.

Be it enacted, etc., as follows :

May hold property to amount of \$300,000.

SECTION 1. Section two of chapter two hundred and sixty-five of the acts of the year eighteen hundred and sixty-nine, entitled, "An Act to incorporate the trustees of the Home for Aged Females in the City of Worcester," is amended by adding after the word "testament," in the fourth line thereof, the following words: "and any other estate, real or personal, which may come into their pos-

session by purchase, gift, grant, devise or otherwise, to an amount not exceeding three hundred thousand dollars." And section three of said chapter is amended by striking out in the seventh and eighth lines thereof the words "in double the amount of the property entrusted to him," and inserting in place thereof the following words: "in the sum of not less than five thousand dollars, and for such larger sum as said trustees shall deem sufficient."

Bond of treasurer.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1883.

AN ACT TO ESTABLISH THE CITY OF NORTHAMPTON.

Chap. 250

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Northampton shall continue to be a body politic and corporate under the name of the City of Northampton, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation.

City of Northampton.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in an officer to be called the mayor, a council of seven to be called the board of aldermen, and a council of twenty-one to be called the common council; the said councils, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.

Mayor, aldermen and common council.

SECTION 3. The selectmen of said town, as soon as may be after the acceptance of this act, shall divide said town into seven wards, so that the wards shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters, and they shall designate such wards by numbers.

Town to be divided into seven wards.

SECTION 4. The municipal election shall take place on the first Tuesday of December annually, and the municipal year shall begin on the first Monday of January following.

Municipal election, etc.

SECTION 5. On the first Tuesday of December annually, there shall be elected, by ballot, in each of said wards, a warden, clerk and three inspectors of elections.

Annual election to be on first Tuesday of December.

who shall be different persons, and shall be residents in the ward, and who shall hold their respective offices one year, and until others shall be elected and qualified in their stead. The wardens shall preside at all ward meetings, with the powers of moderators at town meetings; and if at any meeting the warden is not present, the clerk shall preside until a warden *pro tempore* is elected by ballot. If both warden and clerk are absent, the senior in age of the inspectors present shall preside until a warden *pro tempore* is so elected; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is so elected. When any ward officer is absent or neglects to perform his duty, his office shall be filled *pro tempore* by ballot. The clerk shall record all the proceedings and certify the votes and deliver to his successor in office all the records, journals, documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All of said officers shall be sworn to a faithful discharge of their duties, said oath to be administered by the clerk to the warden, and by the warden to the clerk and to the inspectors, or to either of said officers by any justice of the peace. Certificates of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and served and returned in such manner and at such times as the city council shall direct. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

When ward officer is absent office to be filled *pro tempore*.

Mayor to be elected by and from the voters.

Alderman to be resident of the ward.

Common councilman to be resident of ward.

Mayor to hold office one year and until successor is elected and qualified.

SECTION 6. The mayor shall be elected by and from the qualified voters of the city, voting in their respective wards.

SECTION 7. One alderman shall be elected by and from the voters of each ward, and shall, at the time of his election, be a resident of the ward in which he is so elected.

SECTION 8. Three common councilmen shall be elected by and from the voters of each ward, and shall, at the time of their election, be residents of the ward in which they are elected.

SECTION 9. The mayor shall hold office for the municipal year next following his election, and until his successor is chosen and qualified, and the members of each

branch of the city council shall hold office for the municipal year next following their election, and until a majority of the succeeding board is chosen and qualified. In case of a vacancy in the office of mayor, or of his inability to act, the president of the board of aldermen shall act as mayor until the inability ceases or the vacancy is filled.

SECTION 10. On the first Tuesday of December annually, the qualified voters in the several wards shall give in their votes by ballot for mayor, city clerk, city treasurer, aldermen and common councilmen, school committee, an elector under the Oliver Smith will, and three trustees under the will of Charles E. Forbes, in accordance with the provisions of this act. All the votes so given shall be assorted, counted, declared and recorded in open ward meeting, by causing the names of the persons voted for and the number of votes given for each to be written in the ward record at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to the city clerk a copy of the record of such election, certified by the warden and clerk and a majority of the inspectors. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor to be notified in writing of his election; but if no person is elected, or if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the election of mayor, and from time to time shall be repeated until a mayor shall be elected and shall accept said office. Each alderman and councilman shall be notified in writing of his election by the city clerk. The oath prescribed by this act shall be administered to the mayor by the city clerk or by any justice of the peace. The aldermen and common councilmen elect, shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, city clerk or by any justice of the peace; and a certificate of such oath having been taken, shall be entered upon the journal of the mayor and aldermen and of the common council by their respective clerks. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be

Election of
mayor and other
city officers.

Aldermen and
councilmen to
be notified of
their election.

Organization.

organized by the election of one of its own members as president, and also a clerk not one of its own members, to hold their offices respectively during that municipal year, and the clerk shall be sworn to the faithful performance of all the duties of his office, and his compensation shall be fixed by concurrent vote of the city council. In case of the absence of the mayor elect on the first Monday of January, or if a mayor shall not then have been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter, in convention of the two boards, be administered to the mayor, and any member of the city council who may have been absent at the organization. In the absence of the mayor the board of aldermen may elect a presiding officer, *pro tempore*, who shall also, in such case, preside at the joint meetings of the two boards. Each board shall keep a record of its own proceedings and judge of the elections of its own members; and in case of vacancy in either board the mayor and aldermen shall issue their warrants for a new election.

Each board to keep record of its own proceedings.

Mayor to be chief executive officer of the city.

SECTION 11. The mayor shall be the chief executive officer of the city. He shall cause the laws and regulations of the city to be enforced and keep a general supervision over the conduct of all subordinate officers; and he may for a period not exceeding seven days, suspend and, with the consent of the appointing power, for cause remove any officer over whose appointment he, or his predecessor has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the city council, or either branch thereof, when in his opinion the interests of the city require it, by causing notice to be left at the usual place of residence of each member of the branch to be convened. He may, from time to time, communicate to the city council, or either branch thereof, such information, and recommend such measures, as the business and interests of the city may in his opinion require. He shall, when present, preside over the board of aldermen and over the city council when in joint convention. He shall at all times have the control and direction of the police force, subject only to the ordinances of the city. His salary shall be fixed by the city council, but shall not exceed the sum of eight hundred dollars, and shall be

To have control and direction of the police force.

payable at stated periods, but shall not be increased or diminished during the year for which he is elected. He shall receive no other compensation.

SECTION 12. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council of said city may be necessary (except on a question of a convention of the two branches, or the election of an officer), and every order of either branch of the city council, involving an expenditure of money, shall be presented to the mayor of the city. If he approve thereof, he shall signify his approval by signing the same, but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections in writing, to the branch of the city council in which it originated. Such branch shall enter the objections of the mayor, at large, on its records, and shall proceed to reconsider such ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of the branch present and voting, notwithstanding such objections, agree to pass such ordinance, order, resolution or vote, it shall, together with the objections of the mayor, be sent to the other branch of the city council (if it originally required concurrent action), where it shall also be reconsidered, and if approved by two-thirds of the number present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, the same shall be in force: *provided*, that if any ordinance, order, resolution or vote embraces distinct subjects the mayor may approve of the provisions relating to one or more of the subjects, and not approve of the other provisions, and so much of the same as the mayor may not approve of shall be reconsidered as above provided.

Ordinances, orders, etc., to be submitted to the mayor for approval.

SECTION 13. The executive power of said city, with all the powers heretofore vested by special statute in the selectmen of the town of Northampton, and in the selectmen of towns by the laws of the Commonwealth, except as provided in this act, shall be vested in and exercised by the mayor and aldermen as fully as if the same were herein specifically enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, a city marshal or chief of

Executive power to be vested in the mayor and aldermen.

Constables, etc.
may be re-
quired to give
bonds.

City council to
have care and
management of
city property.

Nominations to
be made by
mayor and con-
firmed or re-
jected by alder-
men.

Election of col-
lector of taxes,
city physician,
city solicitor,
etc.

police, with all the powers and duties of a constable, and all other police and subordinate officers whose election is not herein provided for, and the same to remove at pleasure; and they may require any person who may be appointed a constable, city marshal or chief of police of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such an amount as they may deem reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by selectmen of towns. The compensation of the police and other subordinate officers not otherwise provided for shall be fixed by concurrent vote of the city council. The city council shall have the care and superintendence of the city buildings, and the custody and management of all city property, with power to let what may be legally let, and to sell, purchase or hire property, real or personal, in the name and for the use of the city, whenever the interests or convenience of the city may in their judgment require it; and they shall, as often as once a year, cause to be published for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debt.

SECTION 14. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, which nomination shall be subject, however, to confirmation or rejection by the board of aldermen; and no member of the city council shall be eligible, during the term for which he is elected, by appointment or election, to any office, the salary of which is payable out of the city treasury. All sessions of the city council and common council shall be public.

SECTION 15. The city council shall annually, as soon after its organization as may be convenient, elect by the concurrent ballot of both branches of the city council, a collector of taxes, and may elect a superintendent or superintendents of streets and highways, a city physician, a city solicitor, a city auditor and an agent to represent the city in the meetings of the Massachusetts Central Railroad Company, who shall be legal voters and hold their respective offices for the term of one year from the first Monday of March then next ensuing, and until their suc-

cessors shall be elected and qualified: *provided, however*, that any of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above-named offices may be filled by concurrent ballot at any time. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

Compensation
to be fixed by
concurrent vote.

SECTION 16. The city clerk and the city treasurer shall hold office for the municipal year next following their election and until their respective successors are elected and qualified. Any vacancy occurring in either of the said offices may be filled for the remainder of the term by concurrent ballot of the city council. The said officers shall receive such compensation as the city council shall determine.

City clerk and
city treasurer.

Vacancies.

SECTION 17. The city clerk shall also be clerk of the board of aldermen, and of the city council when in convention, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and he shall perform all the duties and exercise all the powers incumbent by law upon him. He shall deliver to his successor in office, as soon as chosen and qualified, all the records, journals, documents, papers and property held by him in his said capacity. In case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a city clerk *pro tempore*.

City clerk to be
clerk of alder-
men, and of city
council in con-
vention.

SECTION 18. The city council may establish a fire department for said city, to consist of a chief engineer, and of as many assistant engineers, enginemen, hosemen, hook and ladder men and assistants as the city council, by ordinance, shall from time to time prescribe; and said city council shall have authority to fix the time of their appointment and the term of their service, to define their offices and duties, and in general to make such regulations concerning the pay, conduct and government of such department, the management of fires, and the conduct of persons attending fires, as they may deem expedient, and may affix such penalties for any violation of such regulations as are provided for the breach of the ordinances of said city. The appointment of all the officers and members of such department shall be vested in the mayor and aldermen exclusively, who shall also have authority to

Fire department
to be estab-
lished.

remove from office any officer or member, for cause, at their discretion. The engineers so appointed shall be the firewards of the city, but the mayor and aldermen may appoint additional firewards. The compensation of the members of the fire department shall be fixed by concurrent vote of the city council.

Fire limits may
be established.

SECTION 19. The city council may establish fire limits within said city, and may from time to time change the same; and may by ordinance regulate the construction and location of all buildings erected within said fire limits, and the size and material of which they shall be constructed, and may make such other rules and regulations as shall tend to insure the same from damage by fire: *provided*, that such rules and regulations shall not be inconsistent with the laws of this Commonwealth.

Assessors of
taxes.

SECTION 20. The city council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot three persons, legal voters of said city, to be assessors of taxes in said city, to serve one for three years, one for two years, and one for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the city council shall annually in the month of February elect in the same manner one person, a legal voter in said city to serve for the term of three years from the first Monday of March then next ensuing, and until his successor shall be elected and qualified. The persons so elected shall constitute the board of assessors, and shall exercise the powers and be subject to the duties and liabilities of assessors in towns. Any vacancy occurring in said board may be filled by concurrent vote of the city council at any time, and the member so elected shall hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by law. The compensation of the assessors shall be fixed by concurrent vote of the city council.

Assistant as-
sessor of taxes.

SECTION 21. The city council first elected under this act may, as soon after its organization as may be convenient, elect by concurrent ballot one legal voter from each ward to be assistant assessor, to serve one year from the first Monday of March then next ensuing, and until his successor is elected and qualified; and thereafter the city council shall annually in the month of February elect in

the same manner one legal voter from each ward to be assistant assessor for one year from the first Monday of March then next ensuing, and until his successor is elected and qualified. Said assistant assessors shall furnish the assessors with all necessary information relative to persons or property taxable in their respective wards; and they shall be sworn to the faithful performance of their duty. Any vacancy occurring in the number of assistant assessors may be filled by concurrent ballot of the city council at any time. The compensation of the assistant assessors shall be fixed by concurrent vote of the city council.

SECTION 22. The school committee shall consist of the mayor of said city, *ex officio*, and nine other persons, inhabitants thereof, who shall be elected by the qualified voters of the city at large, voting in their respective wards. At the first election held under this act, there shall be elected three members of said committee, one each from the inhabitants of wards one and three, and one from the inhabitants of the city at large, to serve for the term of three years, commencing on the first Monday of January next ensuing; one each from the inhabitants of wards two, four and six, to serve for the term of two years, commencing on the first Monday of January next ensuing; and one each from the inhabitants of wards five and seven, and one from the inhabitants of the city at large, to serve for the term of one year, commencing on the first Monday of January next ensuing; and at each subsequent election there shall be elected in the same manner as their predecessors three members of the school committee, to hold office for the term of three years as successors of those whose term of office expires at the expiration of the then current municipal year. The members of the school committee shall serve without compensation. The mayor shall be *ex officio* chairman of the board, and shall have a casting vote, but the committee may elect from their own number a chairman, who shall preside in the absence of the mayor. The school committee shall annually appoint a secretary who shall be under the direction and control of said committee, and may annually appoint, but not from their own number, a superintendent of the schools; and the compensation of such secretary and superintendent shall be fixed by concurrent vote of the city council; and the school committee may remove

School commit-
tee.

Members to
serve without
compensation.

Vacancies. for sufficient cause such secretary or superintendent. Any vacancy occurring in the board may be filled by the joint ballot of the city council and school committee in convention at any time, and the member so elected shall hold office for the unexpired term of the member who has ceased to hold office.

Water commis-
sioners. SECTION 23. The city council first elected under this act shall, as soon as may be convenient after its organization, elect by concurrent ballot six persons, legal voters of said city, to be water commissioners, to serve two for three years, two for two years, and two for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the city council shall annually in the month of February elect in the same manner two persons, legal voters of said city, to serve on said board for the term of three years from the first Monday of March next ensuing, and until their respective successors are elected and qualified. Said commissioners shall annually appoint a clerk, to be under the direction and control of said commissioners, and may appoint, but not from their own number, a superintendent; said commissioners may remove, for sufficient cause, such clerk or superintendent. The compensation of such clerk and superintendent shall be fixed by the city council. Any vacancy occurring in said board may be filled by concurrent ballot of the city council. The city council may at any time remove any member of said board. The members of said board shall serve without compensation.

To appoint a
clerk.
Compensation
of clerk and su-
perintendent.
Members of
board to serve
without com-
pensation.
Board of public
works. SECTION 24. The city council first elected under this act may, as soon as may be convenient after its organization, elect, by concurrent ballot, three persons, legal voters of said city, to constitute the board of public works; to serve one for three years, one for two years, and one for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the city council shall annually in the month of February elect in the same manner one person, a legal voter of said city, to serve on said board for the term of three years from the first Monday of March then next ensuing, and until his successor shall be elected and qualified. Any vacancy occurring in said board, may be filled by concurrent ballot of the city council at any time. Said board shall hold hearings,
Vacancies.
Powers and du-
ties.

investigate and report on all matters referred to it by the city council or mayor and aldermen, relating to the laying out, altering, widening, discontinuing, change of grade, or repairing of the streets of said city; also relating to the laying out, establishing, change of grade, constructing, altering, paving or repaving and repairing of sidewalks therein; and also relating to the laying out, maintenance, construction, altering or repairing of sewers and drains therein. Said board shall also perform such further duties relative to streets, bridges, sidewalks, sewers, drains or other public works, parks, squares and public places, including the estimation of damages and betterments as the city council shall, by ordinance or order, from time to time prescribe and direct. Any member of said board may at any time be removed by the city council for cause. The members of said board shall serve without compensation.

Members to
serve without
compensation.

SECTION 25. The city council first elected under this act shall, as soon after its organization as may be convenient, elect, by concurrent ballot, three persons, legal voters of said city, to be overseers of the poor in said city, to serve one for three years, one for two years, and one for one year from the first Monday of March then next ensuing and until their respective successors are elected and qualified; and thereafter the city council shall annually, in the month of February, elect in the same manner one person, a legal voter of said city, to serve for the term of three years from the first Monday of March then next ensuing, and until his successor shall be elected and qualified. The persons so elected shall, with the mayor and president of the common council, constitute the board of the overseers of the poor. The mayor shall be *ex officio* chairman of the board. Any vacancy occurring in said board may be filled by concurrent ballot of the city council at any time. The city council may at any time remove any elective member of said board. The compensation of overseers of the poor shall be fixed by concurrent vote of the city council. Not more than one of the elective members of said board shall be originally elected from any one ward, and no member of said board shall afterwards be elected from any ward, a legal voter of which ward is at the time of such election an elective member of said board.

Overseers of the
poor.

Compensation
to be fixed by
concurrent vote
of city council.

Board of almon-
ers.

SECTION 26. The city council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot six persons, all residents of said city, who with the mayor of said city, shall constitute the board of almoners of said city under the provisions of the Whiting Street will, two of whom shall be elected to serve for three years, two for two years, and two for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the city council shall annually in the month of February elect in the same manner two persons to serve as members of said board for the term of three years from the first Monday of March then next ensuing, and until their respective successors shall be elected and qualified. The mayor shall be *ex officio* chairman of said board and shall have a casting vote. Any vacancies occurring in said board may be filled by concurrent ballot of the city council at any time. The members of said board shall serve without compensation.

To serve with-
out compensa-
tion.

Board of health.

SECTION 27. The city council first elected under this act shall, as soon as may be convenient after its organization, elect by concurrent ballot three persons, legal voters of said city, to constitute a board of health, to serve one for three years, one for two years, and one for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the city council shall annually in the month of February elect in the same manner one person, a legal voter of said city, to serve as a member of said board for the term of three years from the first Monday of March then next ensuing, and until his successor shall be elected and qualified. Elections shall be so made that one member, at least, of said board shall be a physician. Any vacancy occurring in said board may be filled by concurrent ballot of the city council at any time. The city council may, at any time, remove any member of said board. The members of said board shall serve without compensation.

To serve with-
out compensa-
tion.

Library com-
mittee.

SECTION 28. The city council first elected under this act shall, as soon as may be convenient after its organization, elect by concurrent ballot nine persons, legal voters of said city, to constitute a library committee, who shall have the supervision, management and care of the public

library of said city. Said committee shall be elected to serve three for three years, three for two years, and three for one year from the first Monday of March then next ensuing, and until their respective successors shall be elected and qualified; and thereafter the city council shall annually in the month of February elect in the same manner three persons, legal voters of said city, to serve for three years from the first Monday of March then next ensuing, and until their respective successors are elected and qualified. Said committee shall annually appoint, but not from their own number, one or more librarians, to be under the direction and control of said committee, and may for sufficient cause remove such librarians. The compensation of such librarians shall be fixed by the city council. Any vacancy occurring in said committee may be filled by concurrent ballot of the city council at any time. The city council may, at any time, remove any member of said committee. The three trustees of the will of Charles E. Forbes shall be members *ex officio* of the library committee. The members of said library committee shall serve without compensation.

To appoint librarians.

SECTION 29. The city council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot a trust-fund committee, consisting of three persons, legal voters of said city, to serve one for one year, one for two years, and one for three years from the first Monday of March then ensuing, and until their respective successors shall be elected and qualified; and thereafter the city council shall annually in the month of February elect by concurrent ballot one person, a legal voter of said city, to serve as a member of said committee for three years from the first Monday of March then next ensuing, and until his successor shall be elected and qualified. Said committee shall have charge of the investment and management of the trust funds and trust property held by said city, and not hereinbefore mentioned. Any member of said committee may be removed from office by the city council at any time. Any vacancy occurring in said board may be filled at any time by concurrent ballot of the city council. The members of said committee shall serve without compensation.

To serve without compensation.

Trust fund committee.

SECTION 30. The city council first elected under this act shall, as soon after its organization as may be con-

To serve without compensation.

Commissioners of sinking funds.

venient, elect by concurrent ballot a board of three persons, legal voters of said city, to be commissioners of the sinking funds of said city, one of whom shall be elected to serve for one year, one for two years, and one for three years from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and annually thereafter in the month of February the city council shall elect one person, a legal voter of said city, as a member of said committee to serve for three years from the first Monday of March then next ensuing, and until his successor shall be elected and qualified. Any member of said board may be removed for sufficient cause, and any vacancy occurring in said board may be filled at any time by concurrent vote of the city council. The members of said board shall serve without compensation.

To serve without compensation.

Cemetery committee.

SECTION 31. The city council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot six persons, legal voters of said city, to constitute a cemetery committee, to serve two for one year, two for two years, and two for three years from the first Monday of March then next ensuing, and until their respective successors shall be elected and qualified; and thereafter the city council shall annually in the month of February elect by concurrent ballot two persons, legal voters of said city, to serve on said committee for three years from the first Monday of March then next ensuing, and until their respective successors shall be elected and qualified. The said committee shall have charge and control of the cemeteries and burial places of said city. Any member may, at any time, be removed from office by the city council. Any vacancy occurring in said board may be filled at any time by concurrent ballot of the city council. The members of said committee shall serve without compensation.

To serve without compensation.

City improvement committee.

SECTION 32. The city council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot six persons, legal voters of said city, to be a city improvement committee, to serve two for one year, two for two years, and two for three years from the first Monday of March then next ensuing, and until their respective successors shall be elected and qualified; and thereafter annually in the month of February the city council shall elect in the

same manner two persons, legal voters of said city, to serve for three years from the first Monday of March then next ensuing, and until their respective successors are elected and qualified. The said committee shall have the care, superintendence and management of the public grounds belonging to said city, and also of all the shade and ornamental trees standing and growing in or upon any of the public streets and highways of said city, but subject, nevertheless, at all times to the control of the city council by ordinance or otherwise. Any member of said committee may be removed for cause by the city council at any time. Any vacancy occurring in said committee may be filled at any time by concurrent ballot of the city council. The members of said board shall serve without compensation.

SECTION 33. No money shall be paid from the city treasury unless granted or appropriated by the city council, and said city council shall require all officers entrusted with the receipt, custody or disbursement of money to give bonds with sufficient penalties and sureties for the faithful performance of their duties.

SECTION 34. The city council shall have exclusive authority and power to lay out any new street, highway or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way shall first be acted upon by the mayor and aldermen; and any person dissatisfied with the decision of the city council in the estimate of damages, may make complaint to the superior court or the county commissioners for the county of Hampshire, in term time or vacation, within one year after such decision, whereupon the same proceedings shall be had as are now provided by law in cases where persons are aggrieved by the assessment of damages by selectmen.

SECTION 35. All elections of officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards.

SECTION 36. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such election, in the manner provided by law; and, for that purpose they shall have full access to the assessors' books and lists, and may call upon

To serve without compensation.

Money not to be paid out unless appropriated.

Officers to give bonds.

Laying out streets, etc., under control of city council.

Elections by the people to be held in wards.

Lists of voters to be made by mayor and aldermen, and delivered to ward clerks.

any of the city officers for assistance; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such election.

General meetings of citizens.

SECTION 37. General meetings of the citizens qualified to vote, may, from time to time, be held according to the rights secured to the people by the constitution of this Commonwealth; and such meetings may, and upon the request in writing of fifty qualified voters, setting forth the purposes thereof, shall, be duly warned by the mayor and aldermen.

Ward meetings without the limits of the ward.

SECTION 38. The mayor and aldermen may, when no convenient ward room for holding the meeting of the citizens of any ward can be had within the territorial limits of such ward, direct in the warrant for calling such ward meeting that the same be held in some convenient place in an adjacent ward of said city, and for such purpose the place so assigned for the meeting of the citizens of any such ward shall be deemed a part of such ward.

By-laws to continue in force.

SECTION 39. All by-laws and regulations in force in the town of Northampton shall remain in force until they shall expire by their own limitation, or be revised or repealed by the city council; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury, and any complaint for any violation thereof may be made by the mayor, city clerk, city treasurer, city marshal, or chief of police.

Lighting the streets.

SECTION 40. The said city council may cause the streets, lanes and avenues of said city to be lighted, and for that purpose may erect posts, construct lamps and electric light or other circuits, lay gas pipes or other apparatus in said streets, lanes and avenues, and do such other things as may be necessary to carry into effect such purpose.

Laws to continue in force.

SECTION 41. All general laws in force in the said town when this act shall be accepted as hereinafter provided, and all special laws then in force in said town or in a fire district thereof, shall continue in force in said city so far as the same are consistent with this act.

Rights not to be affected.

SECTION 42. The passage of this act shall not affect any right, accruing or accrued, or any suit, prosecution, or other legal proceeding pending at the time when this act shall go into operation, and no penalty or forfeiture previously incurred shall be affected hereby. All persons holding office in said town at the time this act shall

take effect, shall continue to hold the same notwithstanding the passage hereof, until the organization of the city government hereby authorized shall be effected, and until the successors of such officers shall be respectively elected and qualified.

SECTION 43. For the purpose of organizing the government hereby authorized, and of putting the same in operation, the selectmen of said town for the time being, shall issue their warrants at least seven days previous to the first Tuesday of December next after the acceptance of this act, calling a meeting of the legal voters of each ward on such first Tuesday of December at such place and hour as they may deem expedient, for the purpose of electing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in this act; and the transcripts of the records in each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at such meeting, shall be returned to said selectmen, whose duty it shall be to examine and compare the said records and give notice of the result in the manner before provided, to the several persons elected. A list of the legal voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used at such meeting as hereinbefore provided. The selectmen shall appoint a time and place for the first meeting of the members of the city council first elected under this act, and shall notify each member thereof by written notice left at his place of residence. The city council shall immediately after its organization carry into effect the provisions of this act.

First election of city officers.

List of voters to be furnished to the ward clerk.

SECTION 44. This act shall take effect upon its acceptance by a majority of the legal voters of said town present and voting thereon, at a meeting duly called for that purpose, within two years from the passage of this act. At such meeting the vote shall be taken by ballot and the polls shall be kept open not less than six hours, and the check lists shall be used. If at any meeting called for the purpose this act shall fail to be accepted by a majority of the legal voters of said town, the act shall not be again submitted for acceptance to the legal voters of said town within four months of the date of such prior meeting. It is however provided, that a meeting may be called for

Subject to acceptance by a majority vote.

the purpose of submitting the question of the acceptance of this act to the legal voters of said town at any time after the passage hereof.

Approved June 23, 1883.

Chap. 251 AN ACT TO SECURE BETTER PROVISIONS FOR ESCAPE FROM HOTELS AND CERTAIN OTHER BUILDINGS, IN CASE OF FIRE.

Be it enacted, etc., as follows :

Watchmen in
hotels and
boarding
houses.

SECTION 1. Every keeper of a hotel, boarding or lodging house containing one hundred or more rooms, and being four or more stories high, shall have therein at least two competent watchmen, each properly assigned, and each on duty between the hours of nine o'clock in the afternoon and six o'clock in the forenoon. And every keeper of a hotel, boarding or lodging house containing fifty or more, but less than one hundred rooms, and being three stories high, shall have between said hours at least one competent watchman on duty therein. And in all such hotels or lodging houses as are mentioned in this section, the halls and stairways shall be properly lighted at night, and at the head and foot of each flight of stairs shall be kept during the night a red light; and one or more proper alarms, or gongs, capable of being heard throughout the house, shall always remain easy of access and ready for use in each of said buildings, to give notice to the inmates in case of fire; and every keeper of such hotel, boarding or lodging house, shall keep posted in a conspicuous place in every sleeping-room a notice descriptive of such means of escape.

Halls and stair-
ways to be
lighted.

Fire escapes.

SECTION 2. Hotels used and occupied as public houses, for the reception and entertainment of guests, boarding or lodging houses and school buildings, being three or more stories high, and accommodating or having the means of accommodating thirty or more persons, also factories, workshops, and manufacturing establishments of said height, in which forty or more persons are employed, shall be supplied inside thereof with proper and sufficient means or appliances for escape, in case of fire, or apparatus for that purpose properly constructed upon the outside thereof, connected through doors or windows; all such fire escapes shall be kept in good order and free from obstructions, and shall be approved by the inspector of factories and public buildings, or in the city of Boston by the inspector of buildings.

SECTION 3. The inspector of buildings in the city of Boston, the mayor and aldermen of other cities, and the selectmen of towns, shall prescribe as they deem necessary, except so far as is specifically required in the preceding sections, what additional night-watch shall be kept, and what further provisions for the prevention of fires, and for the better protection of life in case of fire, shall be made by the several keepers of hotels, boarding or lodging houses within their respective limits; and no license shall be granted to any keeper of a hotel embraced in the provisions of this act, until the requirements thereof, so far as applicable, have been complied with.

Further provisions may be required to be made.

SECTION 4. Whoever neglects or refuses to provide watchmen as required by this act shall be punished by a fine not exceeding one thousand dollars for each offence, and whoever violates any of the other provisions of this act shall be subject to the same penalty as is prescribed in section twenty-two of chapter one hundred and four of the Public Statutes.

Penalties.

Approved June 23, 1883.

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT WOMEN WHO ARE ATTORNEYS-AT-LAW SPECIAL COMMISSIONERS TO ADMINISTER OATHS AND TO TAKE DEPOSITIONS AND THE ACKNOWLEDGMENT OF DEEDS.

Chap. 252

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, is hereby authorized to appoint women, who are attorneys-at-law, to administer oaths, to take depositions, and to take acknowledgments of deeds, and women so appointed shall be designated in their commissions as special commissioners.

Women who are attorneys may be appointed to administer oaths, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1883.

AN ACT TO AMEND CHAPTER FORTY-NINE OF THE PUBLIC STATUTES IN REGARD TO THE PAYMENT OF DAMAGES WHERE PERSONS HAVE SEPARATE INTERESTS IN THE PROPERTY FOR WHICH DAMAGES ARE CLAIMED.

Chap. 253

Be it enacted, etc., as follows:

SECTION 1. Section eighteen of chapter forty-nine of the Public Statutes is hereby amended by striking out all of said section after the word "interests" in the thirteenth line thereof, and inserting in place thereof the following: "the annual income to be paid over during the period for which the life estate or term of years was limited to con-

Payment of damages when persons have separate interests in the property damaged.

tinue to the tenant for life or years, first deducting from any such payment of income the annual amount or money value of any rent, charge or other payment which would, if damages had not been sustained as aforesaid, have been required to be made by such tenant to or for the benefit of the reversioner or remainder-man, which payment so required of the tenant shall be made on his behalf by the trustee; and at the termination of the period before mentioned the principal of the fund held by the trustee to be paid over absolutely to such reversioner or remainder-man."

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1883.

Chap.254 AN ACT AUTHORIZING THE CITY OF TAUNTON TO CONSTRUCT A WAY THROUGH LAND HELD BY THE TRUSTEES OF THE TAUNTON LUNATIC HOSPITAL.

Be it enacted, etc., as follows:

City may lay out a way through land held by the lunatic hospital.

SECTION 1. The city of Taunton is authorized to lay out and construct a way through land held by the trustees of the Taunton lunatic hospital in trust for the Commonwealth, from a point on Chester Street in the city of Taunton near its intersection with Danforth Street to Mill River, and for this purpose may take such portion of said land as shall be deemed necessary.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1883.

Chap.255 AN ACT TO CONFIRM THE PROCEEDINGS OF "THE TRUSTEES OF THE METHODIST EPISCOPAL CHURCH AT SAINT PAUL'S STATION IN LOWELL," AND TO CHANGE THE NAME OF SAID CORPORATION.

Be it enacted, etc., as follows:

Acts ratified and confirmed.

SECTION 1. All acts and proceedings of "The Trustees of the Methodist Episcopal Church at Saint Paul's Station in Lowell," a corporation organized on the thirtieth day of April in the year eighteen hundred and fifty-two under chapter two hundred and eighty of the acts of the year eighteen hundred and forty-seven, which said corporation might legally do, are hereby ratified and confirmed so far as the same are affected by any defect or irregularity in the manner or time of calling or holding the meetings of said corporation, the election of its members or officers, or the qualification of the same.

SECTION 2. The name of said corporation is hereby Name changed.
 changed to the “ Saint Paul’s Methodist Episcopal Church,
 Lowell, Mass.”

SECTION 3. This act shall take effect upon its passage.

Approved June 23, 1883.

AN ACT AUTHORIZING THE CITY OF LYNN TO TAKE AN ADDITIONAL
 WATER SUPPLY.

Chap. 256

Be it enacted, etc., as follows :

SECTION 1. The city of Lynn may for the purposes of
 an additional water supply for itself and its inhabitants,
 take by purchase or otherwise, the water of Saugus River
 whenever its daily flow at Pranker’s dam in the town of
 Saugus shall exceed fifteen million gallons, and may at
 such times take all the flow of said river in excess of said
 fifteen million gallons and no more. And, also for the
 purposes aforesaid, said city may take by purchase or
 otherwise without limitation, and hold the waters of
 Hawkes and Penny brooks, tributaries of said Saugus
 River, and also all lands, rights of way and easements,
 necessary for holding and preserving all water, taken by
 purchase or otherwise under the authority of this act and
 for conveying the same to any part of said city ; and may
 erect on the land thus taken or held, proper dams, build-
 ings, fixtures and structures, and may make excavations,
 procure and operate machinery, and provide such other
 means and appliances as may be necessary for the estab-
 lishment and maintenance of complete and effective water
 works ; and may construct and lay down conduits, pipes
 and other works, under, through or over any lands, water-
 courses, public works, railroads, public or private ways,
 and along any such way in such manner as not unneces-
 sarily to obstruct the same ; and for the purpose of con-
 structing, maintaining and repairing such conduits, pipes
 and other works, and for all proper purposes of this act,
 said city may dig up any such lands, and, under the direc-
 tion of the board of selectmen of the town in which any
 such ways are situated, may enter upon and dig up any
 such ways, or any such ways in said city, in such manner
 as to cause the least hindrance to public travel on such ways.

City may take
 certain water
 from Saugus
 River and
 Hawkes and
 Penny Brooks.

May construct
 conduits and
 other works.

SECTION 2. The said city shall, within sixty days after
 the taking of any lands, rights of way, water rights,
 water sources or easements as aforesaid, otherwise than
 by purchase, file and cause to be recorded in the registry

To cause to be
 recorded, within
 sixty days, in
 the registry, a
 description of
 the land, etc.,
 taken.

of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the mayor of said city.

Payment for
damages.

SECTION 3. The said city shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said city under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for the assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said city under the authority of this act.

Application for
damages not to
be made until
water is ac-
tually diverted.

City of Lynn
Water Loan.

SECTION 4. The said city may, for the purposes of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip, to an amount not exceeding, in the aggregate, two hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "City of Lynn Water Loan, Act of 1883;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the city, and countersigned by the public water board. The said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

Sinking fund.

The said city shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate,

and pledged to the payment of said loan, and shall be used for no other purpose.

SECTION 5. The said city shall raise annually, by taxation, a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said city, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

City to raise annually, by taxation sufficient to pay interest and current expenses.

SECTION 6. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corrupting water or for injury to property.

SECTION 7. In case the town of Saugus, or the inhabitants thereof, shall, at any time, make application, through its board of selectmen, to be supplied with water from Lynn, then the said city shall furnish water to said town or the inhabitants thereof to extinguish fires and for domestic and other purposes, for which said town shall pay an equitable compensation; which, in case of difference, shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party, and notice to the other; whose award, when accepted by said court, shall be binding upon the parties for the term of five years.

City to furnish town of Saugus with water upon application at any time.

SECTION 8. The public water board of the city of Lynn shall have and exercise under this act, all like powers and privileges which it now has and exercises under the provisions of chapter two hundred and eighteen of the acts of eighteen hundred and seventy-one.

Powers of water board of city of Lynn.

SECTION 9. This act shall take effect upon its acceptance by the city council of said city if accepted within three years from its passage.

Subject to acceptance by city council.

Approved June 23, 1883.

Chap.257

AN ACT RELATING TO THE INSPECTION OF VINEGAR.

*Be it enacted, etc., as follows:*Inspection of
vinegar.

SECTION 1. Section sixty-nine of chapter sixty of the Public Statutes, is amended by striking out the word “and” in the third line and the word “but” in the fourth line, and inserting in place of each of said words the words “or vinegar.”

Compensation
of inspector.

SECTION 2. Any city or town in which an inspector shall be appointed under section seventy-one of chapter sixty of the Public Statutes may provide compensation for such inspector from the time of such appointment, and in default of such provision shall be liable in an action at law for reasonable compensation for services performed under such appointment.

SECTION 3. This act shall take effect upon its passage.

*Approved June 23, 1883.**Chap.258*

AN ACT PROVIDING FOR THE DISPOSITION OF UNCLAIMED MONEYS IN THE HANDS OF RECEIVERS OF CERTAIN INSOLVENT CORPORATIONS.

*Be it enacted, etc., as follows:*Names, etc., of
persons who
have not
claimed their
dividends, to be
reported to the
court.

SECTION 1. At the expiration of one year after final settlement ordered by the court, receivers of insolvent insurance companies and receivers of insolvent savings banks and institutions for savings shall report to the court the names and residences, when known, of the persons or parties entitled to any moneys or dividends from the estate of such corporations remaining in their hands uncalled for, with the amount due to each. The court shall thereupon order such notice to be given by the receivers as justice may require, and upon the expiration of one year from the time of giving such notice the receivers shall in like manner report the amounts still uncalled for. Unless cause shall appear for decreeing otherwise, such amounts shall then be ordered to be paid into the treasury of the Commonwealth and schedules signed by the receivers shall at the same time be deposited with the treasurer, and auditor of the Commonwealth setting forth the decree of the court and the names and residences, so far as known, of the persons or parties entitled thereto arranged in alphabetical order and the amount due to each. The auditor shall forthwith cause notice of such deposit to be mailed to such parties.

SECTION 2. The deposit of books and papers required from receivers of insolvent corporations under the provisions of section one of chapter seventy-seven of the acts of the year eighteen hundred and eighty-two shall be made at the time when the payment into the treasury of the Commonwealth of such unclaimed moneys or dividends is required by law to be made and not before.

Deposit of
books and
papers.

SECTION 3. Section one hundred seventy-three of chapter one hundred nineteen, and section forty-four of chapter one hundred sixteen of the Public Statutes are hereby repealed, but receivers of any insolvent savings bank or institution for savings in whose case final decree of distribution has been made at the passage of this act shall make payments into the treasury of the Commonwealth as required by the provisions of section forty-four of chapter one hundred sixteen of the Public Statutes notwithstanding, and persons or parties entitled to receive any portion of such sums or of the sums already paid into the treasury under the provisions of said section, or the acts of which they are a continuation may within two years from the passage of this act and persons or parties entitled to receive any portion of the sums paid into the treasury under the provisions of the first section of this act may within two years from the time of such deposit and notice given make claim to the auditor of the Commonwealth therefor. Upon establishing the validity of their claim, certification, warrant and payment shall follow as in case of other valid claims against the Commonwealth.

Repeal of P. S.
119, § 173, P. S.
116, § 44.

Payments into
the treasury.

SECTION 4. This act shall take effect upon its passage.

Approved June 23, 1883.

AN ACT TO INCORPORATE THE CAPE COD SHIP CANAL COMPANY.

Chap. 259

Be it enacted, etc., as follows:

SECTION 1. William Seward, Jr., George S. Hall, Samuel Fessenden, Edwin Reed, William A. Clark, Jr., Joseph T. Hoile, Walter Lawton, William F. Drake, William Parker, their associates and successors, are hereby made a corporation by the name of the Cape Cod Ship Canal Company, with all the privileges, and subject to all the liabilities set forth in all general laws which now are or may hereafter be in force relating to railroad corporations, so far as they may be applicable, except as hereinafter provided.

Corporators.

Name.

Privileges and
liabilities.

May construct a ship canal from Buzzard's Bay to Barnstable Bay.

SECTION 2. Said corporation may locate, construct, maintain and operate a ship canal, beginning at some convenient point in Buzzard's Bay, and running through the town of Sandwich to some convenient point in Barnstable Bay; may locate, construct and maintain all such wharves, docks and other structures and works as may be necessary for the convenient using of said canal; together with the highways provided for by this act; and in connection therewith may maintain and operate steam vessels for transportation, or steam tugs, or use any other means or methods for assisting vessels in their approach to and passage through and from the canal.

Canal may be laid not exceeding one thousand feet wide.

To be commenced within four months and completed within four years.

SECTION 3. Said corporation may lay out its canal, not exceeding one thousand feet wide, and shall file the location thereof within four months from the passage of this act, with the county commissioners for the county of Barnstable, defining the courses, distances and boundaries thereof, in the manner provided for filing railroad locations; and said canal shall be commenced within four months, and shall be completed within four years from the passage of this act, and if at least twenty-five thousand dollars be not expended in the actual construction thereof within four months from the passage of this act, this corporation shall thereupon cease to exist, except as provided in section forty-one of chapter one hundred and five of the Public Statutes.

May take land, etc., for making or securing canal.

SECTION 4. Said corporation may purchase or otherwise take land and materials necessary for making or securing its canal, breakwaters, basins, docks, wharves, locks, gates, highways or other structures and works referred to in section two, in the manner in which land or materials are taken for the construction of railroads. If not able to obtain such land or materials by agreement with the owner, it shall pay such damages therefor as the county commissioners or a jury upon appeal may estimate and determine.

Payment of damages.

SECTION 5. Said corporation shall pay all damages occasioned by laying out, and making and maintaining its canal, and by taking any land or materials, as provided in section four; and such damages shall, upon the application of either party, be estimated by the county commissioners in the manner provided in laying out, making and maintaining railroads; and the residence of one of said commissioners in the town of Sandwich shall not dis-

qualify him from acting under the provisions of this act; and when it is intended to take land or materials, such application shall be made before the actual taking or appropriation thereof.

SECTION 6. Either party if dissatisfied with the estimate made by the county commissioners may, at any time within one year after it is completed and returned, apply for a jury to assess the damages. Upon such application, the prevailing party shall recover legal costs, and the proceedings thereon shall be the same as is provided for the recovery of damages in laying out, making and maintaining railroads.

Party dissatisfied may apply for a jury.

SECTION 7. It shall be the duty of the Old Colony Railroad Company so to alter its location, after adequate security satisfactory to the board of railroad commissioners is given to it by said canal company to protect it against and to pay all damages caused by so doing, as to cross the said canal but once, which crossing, and the location of the canal company at the crossing, shall be at a point to be fixed by the board of railroad commissioners in case the railroad company and canal company do not agree upon the same, which point of crossing said companies are hereby authorized to fix. The board of railroad commissioners, after due notice to all parties interested, and hearing of all who shall appear, shall also determine and prescribe in writing the time when and the manner in which the Old Colony Railroad Company shall alter its location so as to cross said canal at such point, and also the manner and the method in which the bridge for such crossing, and the draw in the same, together with the locks, if the board of railroad commissioners shall decide they are necessary, or other structures for the protection of, and the approaches to, said bridge shall be constructed; and in making such alteration said railroad corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws relating to railroads, except that the damages of land owners shall be assessed against and paid by said canal company, as in case of land taken for railroad purposes. The Cape Cod Ship Canal Company shall thereupon proceed to build the railroad upon the new location, and complete the same in such manner and at such time as may be prescribed by the railroad commissioners, and to their satisfaction, in case the parties do

Old Colony Railroad Company to alter location after receiving security from Canal Company to protect it against damage.

Canal Company to build railroad upon new location under direction of the commissioners.

To build bridge
across canal.

Superintendent
of bridge to be
appointed.

Location of
railroad.

Value of cer-
tain materials to
be paid to Canal
Company by the
railroad com-
pany.

not agree upon the same; and shall pay all damages caused by the construction of said railroad on such new location, and shall be liable for such damages as in case of the construction of railroads. The Cape Cod Ship Canal Company shall also build and maintain and keep in repair to the satisfaction of the board of railroad commissioners, a bridge across said canal, suitably protected by locks or otherwise, to the satisfaction of the said board, suitable for the passing of the railroad, and also for the passing of the highway at the point fixed upon as above provided, which said bridge shall have a suitable draw for the passage of vessels; and said railroad company shall appoint a steady and discreet superintendent, and all necessary assistants for such drawbridge, who shall be paid by said canal company a reasonable compensation, to be fixed by the railroad commissioners. Said superintendent shall be experienced in the management of vessels, and shall have full control and direction of the passing of vessels through the draw, and of trains over the bridge, and with said assistants shall be subject to such rules and regulations, not inconsistent with law, as said railroad and canal company shall from time to time prescribe for the operation of said bridge; but such rules and regulations shall be subject to approval and alteration by the said board of railroad commissioners. And said superintendent and assistants shall be subject to removal by said board of railroad commissioners.

SECTION 8. The Old Colony Railroad Company shall have its location, not exceeding five rods in width, upon any land owned or located upon by said canal company, up to the said bridge, on each side thereof: *provided*, that all reasonable use of said location by the said canal company, for the purpose of operating its canal, and under the direction of the railroad commissioners, shall be permitted by the railroad company without payment of rent to the railroad company.

SECTION 9. The Old Colony Railroad Company shall upon the completion and acceptance by the board of railroad commissioners of the newly constructed railroad and bridge as above provided, allow and pay to the Cape Cod Ship Canal Company the value of such iron and other materials as may remain upon that portion of the line of said railroad which is to be given up; such value to be

determined by the said board of railroad commissioners in case the parties do not agree upon the same.

SECTION 10. Whoever unnecessarily opens or obstructs the draw without the consent of the superintendent, or without such consent makes fast or moors any scow, raft or other vessel to said bridge within wake of the draw, shall pay a fine of not less than three dollars nor more than fifty dollars.

Penalty for obstructing, etc., draw.

SECTION 11. Whoever wilfully injures or damages said bridge, wharf or pier, or wilfully disturbs or hinders the superintendent in the discharge of his duties, shall forfeit for each offence a sum not exceeding one hundred dollars, and be further liable in damages to the Cape Cod Ship Canal Company.

Penalty for injury to bridge, etc.

Liability for damages.

SECTION 12. The provisions relating to draw-bridges contained in sections one hundred and forty-eight to one hundred and fifty-five inclusive, of chapter one hundred and twelve of the Public Statutes, shall extend to said bridge so far as applicable, except that a railroad train shall be allowed five minutes to cross said draw instead of fifteen minutes as provided in section one hundred and fifty of said chapter. And the same penalties and forfeitures provided in section one hundred and fifty-four of said chapter shall also be in force, and may be recovered of the Old Colony Railroad Company, or any engineer, or any superintendent of said bridge, in like manner as therein provided for the violation of any of the provisions of sections one hundred and fifty-one and one hundred and fifty-three of said chapter.

Provisions of P. S. 112, §§ 148-155 to extend to bridge.

Penalties and forfeitures.

SECTION 13. The said canal company shall provide and maintain at North Sandwich and at West Sandwich, and at such points as may be designated by the county commissioners, a suitable ferry across their canal for passengers and teams, to be operated free from tolls under rules to be established by the county commissioners. Said canal company shall forfeit fifty dollars for each day it shall fail to provide and maintain such ferry, to be recovered upon complaint or indictment in the county of Barnstable, to the use of said county.

Ferries to be established under direction of the county commissioners.

SECTION 14. The said canal company shall also construct such highways to connect with the bridge and ferries provided for in sections seven and thirteen of this act, and such other highways as may be necessary to replace the highways destroyed by the construction of said canal,

Highways to be constructed to connect with the bridge and ferries.

in such manner and at such time as the county commissioners for the county of Barnstable shall prescribe, upon each side of said bridge and ferries. After the completion of such highways, and their acceptance by the said county commissioners, the said canal company shall not be responsible in any manner for the further maintenance of the same, except upon the location of said canal company.

Herring fishing at Monument River and Herring Pond.

SECTION 15. The said canal company shall also make such suitable provision for the continuance of the herring fishery in Monument River and Herring Pond as the commissioners on inland fisheries may prescribe; and in case of injury to any fishery shall pay to the owner thereof such damages as shall upon the application of either party be estimated by said commissioners on inland fisheries, in a manner similar, so far as may be, to that provided in laying out highways, and with a similar right of appeal to a jury, by proceedings like those provided for in section six of this act.

Toll to be established by the Canal Company.

SECTION 16. The said canal company may establish for its sole benefit a toll upon all vessels or water craft, of whatever description, which may use its canal, at such rates as the directors thereof may determine; and may from time to time regulate such use in all respects as the directors may determine. Said corporation shall also furnish towage through said canal for all vessels or water craft which require it; for which service it may establish, for its sole benefit, a toll, at such rates as the directors thereof may determine.

Penalty for evading payment of toll.

SECTION 17. Whoever fraudulently evades or attempts to evade the payment of any toll, lawfully established under section sixteen of this act, either by misrepresenting the register or draught of any vessel, or otherwise, shall pay a fine of not less than fifty nor more than five hundred dollars.

Penalty for obstructing any water craft in the canal.

SECTION 18. Whoever wilfully and maliciously obstructs the passing of any vessel or steam-tug, or other water craft, in said canal, or obstructs the approaches to said canal within two thousand feet of either extremity thereof, or in any way injures said canal, or its banks, breakwaters, docks, wharves, locks, gates, or other structures or works, or anything appertaining thereto, or any materials or implements for the construction or use thereof, or aids or abets in such trespass, shall forfeit to

the use of the corporation, for each offence, treble the amount of damages proved to have been sustained thereby, to be recovered in an action of tort in the name of the corporation; and may further be punished by fine not exceeding one thousand dollars, or imprisonment for a term not exceeding one year.

SECTION 19. The capital stock of said canal company shall be divided into shares of one hundred dollars each; and the amount of capital stock shall not be less than two million dollars, and may be increased from time to time, by vote of the corporation, to an amount not exceeding five millions of dollars. Said canal company may locate but shall not begin to construct said canal, or take any land or property therefor, until it shall have deposited two hundred thousand dollars with the treasurer of the Commonwealth, as security for the faithful performance of the obligations imposed by this act, and for the payment of all damages occasioned by the laying out, construction and maintenance of said canal, or by taking any land or materials therefor, and also of all claims for labor performed or furnished in the construction of said canal, which sum shall remain with the treasurer until such time as said corporation shall have actually received into its treasury and expended the sum of one million dollars in the construction of said canal, and shall have produced proof satisfactory to the board of railroad commissioners, that it has settled all damages, incurred or to be incurred in the location and construction of said canal. And said corporation shall, within four months from the passage of this act, pay to the Commonwealth and to the town of Sandwich, all sums of money expended by them, or either of them, in the support and removal from the Commonwealth of any persons who were engaged in the construction of said canal in the year eighteen hundred and eighty. If such deposit and payment shall not be made within four months from the passage of this act this corporation shall thereupon cease to exist except as provided in section forty-one of chapter one hundred and five of the Public Statutes. The supreme judicial court shall have jurisdiction in equity to apply said deposit to the payment of any damages caused by the laying out, construction and maintenance of said canal, and for all claims against said company for labor performed or fur-

Capital stock
and shares.

To deposit
\$200,000 in state
treasury as security for performance of
obligations.

To pay expense
of removal, etc.,
of persons
engaged in constructing canal
in 1880.

nished, and for land or materials taken or used in the construction of said canal.

May issue bonds not to exceed in the whole, the capital stock actually paid in.

SECTION 20. Said canal company, by vote of a majority of its stockholders, at a meeting called for the purpose, may issue coupon or registered bonds, to provide means for funding its floating debt or for the payment of money borrowed for any lawful purpose, and may mortgage or pledge as security for the payment of such bonds a part or all of its real and personal property, or franchise. Such bonds may be issued in sums of not less than one hundred dollars each, payable at periods not exceeding twenty years from the date thereof, and bearing interest not exceeding seven per cent. a year, payable annually or semi-annually, to an amount which, including that of the bonds previously issued, does not exceed in all the capital stock of the corporation actually paid in at the time; and such bonds shall be recorded by the treasurer of said corporation in books to be kept in his office.

Bonds to be approved by person appointed by the corporation.

Certificate of railroad commissioners to be printed in each bond.

No bond shall be issued unless approved by some person appointed by the corporation for that purpose, who shall certify under oath that the bond is properly issued and recorded: *provided, however*, that no bond shall be issued until the board of railroad commissioners has issued a certificate, a copy of which shall be printed in each bond, that the total amount of bonds issued by said canal company including the amount of bonds previously issued and certified to by the board of railroad commissioners, does not exceed the amount of capital stock actually subscribed and paid in, and that the total amount of money received from the subscription to the capital stock of said canal company to an amount equal to the amount of bonds certified by said railroad commissioners has all been paid out in the lawful expenditures of the corporation. In case any such mortgage is executed to trustees, then all bonds secured thereby shall also bear the certificate of one or more of the trustees, that the same are so secured, and that the mortgage has been delivered to the trustees and duly recorded. Every such mortgage shall be recorded in the registry of deeds for the county of Barnstable. This section shall be subject to the provisions of sections sixty-two to seventy, inclusive, of chapter one hundred and twelve of the Public Statutes, so far as the same may be applicable.

Mortgages to be recorded in registry of deeds for county of Barnstable.

SECTION 21. Said corporation shall pay to the secretary of the Commonwealth, on receiving the certificate of corporation, the sum of fifty dollars; and shall also pay to the treasurer of the Commonwealth such sum of money as shall be necessary to pay for the services and expenses of the board of railroad commissioners for performing the duties imposed on them under the provisions of this act.

To pay to secretary the sum of fifty dollars.

SECTION 22. The construction of the approaches to said canal from the present line of high water upon the shores seaward at either end thereof, shall be subject to the provisions of chapter nineteen of the Public Statutes, and said canal, when completed, shall be under the jurisdiction of the harbor and land commissioners.

Canal under jurisdiction of harbor and land commissioners.

SECTION 23. This act shall take effect upon its passage.

Approved June 26, 1883.

AN ACT TO PROVIDE FOR THE REMOVAL OF WRECKS AND OTHER OBSTRUCTIONS FROM TIDE WATERS.

Chap. 260

Be it enacted, etc., as follows:

SECTION 1. Whenever a wrecked, sunken or abandoned vessel, or any unlawful or unauthorized structure or thing, is deposited or suffered to be or remain in the tide waters of this Commonwealth, and in the judgment of the board of harbor and land commissioners is, or is liable to cause or become, an obstruction to the safe and convenient use of such waters for navigation and other lawful purposes, it shall be the duty of said board, and said board shall have power, to remove such obstruction, or to cause the same to be removed, in accordance with the provisions of this act.

Wrecks, etc., to be removed by board of harbor and land commissioners.

SECTION 2. If any person resident or being in the United States is known to said board as the owner of such vessel, or of any interest therein, or as having or exercising any control over the same as master, agent, insurer, or otherwise, or, in the case of any other unlawful or unauthorized obstruction, as having alone or with others built, deposited or caused the same, or as owning, maintaining or using the same in whole or in part, said board shall give notice in writing to such owner or other person to remove such vessel or other obstruction at or within a time specified in the notice. It shall be deemed a sufficient notice to all such owners and other persons, if served upon any one or more of them by said board, or by its order, by delivering the same in hand, or by leaving it at

Notice to be given to owner of vessel.

the usual place of business, residence or abode, or by duly mailing it to the post-office address, of the owner or other person on whom such notice is to be served.

If obstruction is not removed within the time specified in the notice, board may remove, etc.

SECTION 3. If such vessel or other obstruction is not removed at or within the time specified in such notice, and in a manner and to a place satisfactory to said board, or if no such owner or other person is known to said board upon whom such notice can be served, said board may proceed to remove such vessel or other obstruction, or to complete the removal thereof, or to cause the same to be done in such manner and to such place as said board shall deem best; and the necessary cost and expenses of such removal, if not paid by some owner or other person liable therefor, shall, when certified by said board and approved by the governor and council, be paid out of the treasury of the Commonwealth.

Liability for cost and expenses of removals.

SECTION 4. The owner of any vessel or of an interest in any vessel wilfully or maliciously wrecked, sunken or abandoned as aforesaid and removed as hereinbefore provided, whether owning at the time such vessel first became an obstruction, or at any subsequent time before such removal is completed, and all persons having or exercising any control over such vessel or any part thereof, and, in the case of any other obstruction so removed, the person or persons originally building, depositing or causing the same, or at the time of such removal, or at any time prior thereto, owning, maintaining or using the same in whole or in part, shall be liable to pay the cost and expenses of such removal, or to repay the same when paid out of the treasury as aforesaid; and the same may be recovered in an action of contract brought by said board in the name of the Commonwealth against such owners or other persons, or against any one or more of them. The attorney-general and the district attorneys within their respective districts shall commence and conduct such suits. All moneys so repaid or recovered shall be paid into the treasury of the Commonwealth. Any person who pays, on a judgment or otherwise, more than his proportional part of the costs and expenses aforesaid, shall have a claim for contribution against all other parties liable therefor according to their respective interests.

If expenses are not paid within ten days, vessel may be sold.

SECTION 5. If the cost and expenses of removing a vessel or other obstruction as aforesaid are not paid or repaid by some owner or other person liable therefor

within ten days after such removal is completed, said board of harbor and land commissioners may sell such vessel or other obstruction, or the materials and appurtenances thereof, at public or private sale, and the net proceeds of such sale shall be paid into the treasury of the Commonwealth and deducted from the amount to be repaid or recovered as provided in the preceding section.

SECTION 6. No insurer of a vessel, who has paid the loss thereon, shall, by reason of such insurance, be held liable to remove such vessel, or to pay the cost and expenses of such removal, under the provisions of this act, unless such insurer has exercised some act of ownership or control over such vessel or some part or appurtenance thereof, or received the proceeds of the sale thereof.

Insurer not liable unless some act of ownership has been exercised

SECTION 7. A commissioner of wrecks and shipwrecked goods shall not be liable to the provisions of this act, by reason of anything done by him in the discharge of his office as such commissioner; but he shall, upon notice and request by said board of harbor and land commissioners, retain and apply so much of the property in his possession appertaining to a wrecked vessel, or of the proceeds thereof, as may be necessary to provide for the removal of such vessel so that the same shall not be an obstruction in tide waters.

Commissioner of wrecks not liable for anything done in discharge of his office.

SECTION 8. It shall be the duty of commissioners of wrecks and shipwrecked goods, and of harbor masters, to give immediate notice to the board of harbor and land commissioners of all shipwrecks occurring in the tide waters of their respective counties and harbors and of any obstructions existing therein.

To give notice of obstructions.

SECTION 9. There shall be allowed and paid out of the treasury annually a sum not exceeding five thousand dollars, to be expended as may be necessary in carrying out the provisions of this act.

Allowance for expenses.

SECTION 10. It shall be the duty of said board of harbor and land commissioners to make application in behalf of the Commonwealth for the re-imbursement of any sums expended under this act, which, in the opinion of said board, might properly be paid by the United States.

United States to be applied to for re-imbursement.

SECTION 11. This act shall take effect upon its passage.

Approved June 28, 1883.

*Chap.*261 AN ACT TO AUTHORIZE THE TOWN OF NATICK TO SUPPLY THE TOWN OF WELLESLEY WITH WATER.

Be it enacted, etc., as follows :

Natick may supply Wellesley with water.

SECTION 1. The town of Natick is authorized to furnish from its water supply, to the town of Wellesley, a supply of water for the use of said town of Wellesley and its inhabitants for the extinguishment of fires and for domestic purposes, and may contract with said town of Wellesley for such supply of water on such terms as may be agreed upon between said towns.

Not to take water from Long Pond, etc.

SECTION 2. The town of Natick shall not exercise its right to take water from Long Pond, as provided in chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six, while it is supplying the inhabitants of the town of Wellesley with water under the authority of this act.

SECTION 3. This act shall take effect upon its passage.

Approved June 28, 1883.

*Chap.*262 AN ACT GIVING TO A WIFE THE RIGHT OF INTERMENT IN A BURIAL LOT OR TOMB OWNED BY HER HUSBAND.

Be it enacted, etc., as follows :

Wife entitled to interment in burial lot of husband.

SECTION 1. A wife shall be entitled to a right of interment for her own body in any burial lot or tomb of which her husband was seized at any time during coverture, and such right shall be exempt from the laws of conveyance, descent, and devise: *provided*, such right may be released by her in the manner in which she may release her dower.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 1883.

*Chap.*263 AN ACT TO AMEND AN ACT RELATING TO THE ADULTERATION OF FOOD AND DRUGS.

Be it enacted, etc., as follows :

Enforcement of laws against adulteration of milk.

SECTION 1. Section five of chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-two is hereby amended by striking out the word "three" in the thirteenth line, and inserting the word "five" in place thereof: *provided, however*, that two-fifths of said amount shall be annually expended for the enforcement of the laws against the adulteration of milk.

Number of prosecutions to be reported to the legislature.

SECTION 2. The board of health, lunacy and charity shall report annually to the legislature the number of

prosecutions made under said chapter, and an itemized account of all money expended in carrying out the provisions thereof.

SECTION 3. This act shall take effect upon its passage.

Approved June 28, 1883.

AN ACT RELATIVE TO THE PAYMENT BY THE TREASURER OF THE COMMONWEALTH OF FUNDS RECEIVED FROM PUBLIC ADMINISTRATORS.

Chap. 264

Be it enacted, etc., as follows:

SECTION 1. Section eighteen of chapter one hundred and thirty-one of the Public Statutes is hereby amended by adding the following words:—Such claims may be presented to the auditor of the Commonwealth at any time previous to July first, eighteen hundred and eighty-four, and thereafter within one year from the date of such payment to the treasurer. The auditor shall examine such claims and allow such as may be proved to his satisfaction, and forthwith, upon the expiration of said term of one year, shall certify the same to the governor and council for payment of the whole of the claims, or such proportional part thereof as the funds deposited will allow.

Payment by the treasurer of funds received from public administrators.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 1883.

AN ACT TO AUTHORIZE THE LOWELL YOUNG MEN'S CHRISTIAN ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 265

Be it enacted, etc., as follows:

SECTION 1. The Lowell Young Men's Christian Association, a corporation organized under chapter fourteen of the acts of the year eighteen hundred and sixty-eight, is hereby authorized to hold real and personal estate for the purposes for which said corporation was organized, to an amount not exceeding two hundred thousand dollars.

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 1883.

AN ACT TO ABATE A NUISANCE AT THE STATE NORMAL SCHOOL AT BRIDGEWATER.

Chap. 266

Be it enacted, etc., as follows:

SECTION 1. Albert G. Boyden, Theodore F. Wright, Joshua E. Crane and Francis A. Walker, in the Commonwealth of Massachusetts, are hereby appointed a commission to take charge of the sewerage of the state normal school at Bridgewater, to devise and carry out

Commission to take charge of sewerage of normal school at Bridgewater.

some method for purifying and preventing the sewage from becoming a nuisance or polluting the streams of this Commonwealth, and to perform such other duties as may be necessary to carry out the provisions of this act.

To keep record of their doings, and render account of moneys expended.

SECTION 2. The commissioners may act by a majority of their members, shall keep a record of all their doings under this act, and shall render to the governor and council for their approval a true and accurate account of all moneys expended. For their personal services the commissioners shall receive such compensation as the governor and council may determine. If by death or other cause there shall be a vacancy in the board of commissioners such vacancy shall be filled by appointment of the governor and council.

Vacancy.

To secure best results at expense not exceeding five hundred dollars.

SECTION 3. The commissioners shall proceed as expeditiously as possible, and may procure such professional advice, plans or specifications as they may deem necessary to secure the best results at an expense not exceeding five hundred dollars. The commissioners may take by purchase or otherwise such lands, waters or easements as may be necessary in their judgment to accomplish the purposes of this act, and shall award and pay to any and all persons a just and proper compensation for any lands, rights or property taken. Any person aggrieved by the awards of the commissioners as to the amount of damages sustained may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways.

Damages.

To perform duties and report to legislature within three years.

SECTION 4. The commissioners shall perform all their duties and make a final report of the same to the legislature within three years from the passage of this act. The commissioners may draw from the treasury of the Commonwealth such sums of money from time to time as may be necessary to carry on this work, not exceeding in all five thousand five hundred dollars.

SECTION 5. This act shall take effect upon its passage.

Approved June 29, 1883.

Chap. 267

AN ACT ABOLISHING THE OFFICE OF TREASURER AND STEWARD OF THE REFORMATORY PRISON FOR WOMEN.

Be it enacted, etc., as follows:

Superintendent, to have charge of property, purchase supplies, etc.

SECTION 1. The superintendent of the reformatory prison for women shall in addition to his duties as now prescribed by law receive and disburse all moneys paid

from the treasury of the Commonwealth for the support of said prison; shall purchase all supplies and other articles needed for carrying on and managing the prison; shall have charge and custody of all property connected with or belonging to the same; and shall cause to be kept in suitable books, regular and complete accounts of all the property, expenses, income and business of the prison. He shall give bond to the Commonwealth for the faithful discharge of his duties in the sum of ten thousand dollars with sureties to be approved by the governor and council, and no other bond shall be required of him.

To give bond.

SECTION 2. Said superintendent may employ at such salary as the governor and council shall approve, but not exceeding one thousand dollars per year, a steward, who shall, as the agent of the superintendent, purchase for the prison such articles as he shall direct, and perform such other duties as the superintendent shall require. The appointment of said steward shall be subject to the approval of the governor and council, but he may be removed by the superintendent, at any time, without their consent.

May employ a steward with approval of the governor and council.

SECTION 3. When the superintendent is absent from the prison, or unable to perform the duties of his office, the deputy-superintendent shall have the powers, perform the duties, and be subject to the obligations and liabilities of the superintendent.

Deputy to perform duties in absence of superintendent.

SECTION 4. If the office of superintendent becomes vacant, the commissioners of prisons may require the deputy-superintendent to assume the duties of superintendent, and to give a bond to the Commonwealth, in the sum of ten thousand dollars, with sufficient sureties, to be approved by them, conditioned for the faithful performance of the duties incumbent on her as deputy-superintendent until a superintendent is appointed, and that she will faithfully account for all money which shall come into her hands in such case; and from the time said bond is approved, the deputy-superintendent shall, so long as she performs the duties of superintendent, receive the salary of that officer, in lieu of her salary as deputy-superintendent. If the deputy-superintendent does not give such bond when required, the commissioners of prisons may remove her from office, and appoint a superintendent *pro tempore*, who shall give such bond, and shall have the power and authority, perform the duties, and receive the salary of the

Vacancy in office of superintendent.

Deputy to give bonds.

Salary.

Superintendent *pro tempore*.

superintendent, until a superintendent is duly appointed and enters upon the discharge of the duties of the office.

Office of treasurer and steward abolished.

SECTION 5. The office of treasurer and steward of the reformatory prison for women is abolished; and all the provisions of sections fifty-four to fifty-eight inclusive of chapter two hundred and twenty-one of the Public Statutes applicable to the said treasurer and steward shall hereafter apply to the superintendent. Section sixty of said chapter is amended by striking out in the eighth, ninth and tenth lines thereof the words "in the case of the reformatory prison shall be certified by the treasurer and steward and approved by the superintendent," and inserting in place thereof the words "the superintendent as the case may be."

Repeal.

SECTION 6. So much of chapter two hundred and twenty-one of the Public Statutes as is inconsistent herewith is hereby repealed.

Approved June 29, 1883.

Chap. 268

AN ACT TO PROHIBIT CERTAIN MEDICAL SOCIETIES FROM CONFERRING DEGREES.

Be it enacted, etc., as follows:

Medical societies not to confer degrees unless specially authorized.

SECTION 1. No corporation organized for medical purposes under the provisions of chapter one hundred and fifteen of the Public Statutes shall confer degrees, or issue diplomas or certificates conferring or purporting to confer degrees, unless specially authorized by the legislature so to do.

Penalty.

SECTION 2. An officer, agent or servant of any corporation mentioned in section one, or any other person conferring degrees, or signing, issuing or authorizing the signing or issuing of any diploma or certificate purporting to confer any degree of medicine or surgery, contrary to the provisions of this act, shall be punished by fine of not less than five hundred dollars, nor more than one thousand dollars.

Approved June 30, 1883.

Chap. 269

AN ACT TO INCORPORATE THE BROADWAY CONGREGATIONAL CHURCH IN SOMERVILLE.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Lemuel Gulliver, Edward Foote, William P. Hill, William H. Hodgkins, and all other members of the Broadway Congregational Church in Somerville, and their successors as members of said church, are hereby made a corporation, with all the powers and privileges,

and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or hereafter may be in force applicable to religious societies.

SECTION 2. Said corporation shall be called the “Broad- Name.

way Congregational Church.”

SECTION 3. Said corporation may hold real and personal estate, to an amount not exceeding fifty thousand dollars, for parochial and religious purposes. Real and personal estate.

SECTION 4. This act shall take effect upon its passage.

Approved June 30, 1883.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 270

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit :— Appropriations.

For printing additional copies of the thirtieth annual report of the secretary of the board of agriculture, a sum not exceeding seventeen hundred dollars, as authorized by chapter forty-nine of the resolves of the present year. Agricultural report.

For perfecting a system of drainage at the Framingham normal school, a sum not exceeding two thousand dollars, as authorized by chapter fifty of the resolves of the present year. Normal school at Framingham.

For printing one hundred copies of volume two of the provincial laws, two hundred and fifty dollars, as authorized by chapter fifty-one of the resolves of the present year. Provincial laws.

For the trustees of the state lunatic hospital at Danvers, ten thousand dollars, as authorized by chapter fifty-two of the resolves of the present year. Lunatic hospital, Danvers.

For the salary of the judge of probate and insolvency for the county of Essex, five hundred dollars, in addition to the amount heretofore appropriated, as authorized by chapter two hundred and forty-four of the acts of the present year. Judge of probate, Essex.

For the compensation and mileage of senators, one hundred and fifty dollars, in accordance with an order of the senate adopted June twentieth, eighteen hundred and eighty-three. Senators.

Moneys in hands of receivers of certain insolvent corporations.

To provide for the payment of unclaimed moneys in the hands of the receivers of certain insolvent corporations, after the same has been deposited in the state treasury, the sum of fourteen thousand dollars, and for expenses in connection therewith, a sum not exceeding eight hundred dollars, in accordance with chapter two hundred and fifty-eight of the acts of the present year.

Funds received from public administrators.

To carry out the provisions of the act relative to the payment, by the treasurer of the Commonwealth, of funds received from public administrators, the sum of four thousand dollars.

Entertainment of guests.

To provide for the reception and entertainment of distinguished guests, six thousand dollars, in accordance with chapter fifty-four of the resolves of the present year.

John M. Galvin.

For John M. Galvin, for work done on the Hoosac Tunnel, four thousand eight hundred and thirty-six dollars and fifty-one cents, in accordance with chapter fifty-three of the resolves of the present year.

Obstructions in tide-waters.

To provide for the removal of wrecks and other obstructions from tide-waters, a sum not exceeding five thousand dollars, in accordance with an act passed the present year.

Normal school, Bridgewater.

For expenses in connection with abating a nuisance at the state normal school at Bridgewater, a sum not exceeding five thousand five hundred dollars, in accordance with an act passed the present year.

State house.

For repairs, improvements and furniture at the state house, nine thousand five hundred and fifty dollars, in accordance with a resolve passed the present year.

Way estate.

For the payment of any expenses incurred in the taking of the Way estate, so called, as authorized by chapter two hundred and sixty-two of the acts of the year eighteen hundred and eighty-two, a sum not exceeding one hundred and thirty thousand dollars; and for fitting up the building for use, and the removal of any department of the Commonwealth thereto, a sum not exceeding twenty thousand dollars.

Expenses of committees.

For expenses of legislative committees of the present year, a sum not exceeding fifteen thousand dollars, in addition to the amount heretofore appropriated, which may be held applicable to pay for compensation and expenses of any committees authorized to sit during the recess.

For the compensation of the doorkeepers, messengers and pages of the present legislature, a sum not exceeding five thousand dollars, in addition to the amount heretofore appropriated.

Door-keepers,
messengers, etc.

For concluding any contract between the Commonwealth and the corporation established as the Troy and Greenfield Railroad Company, as authorized by chapter forty-eight of the resolves of the present year, any sum remaining in the treasury and not otherwise appropriated may be used under the direction of the governor and council.

Contract between Commonwealth and Troy and Greenfield Railroad Company.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1883.

AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES."

Chap. 271

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other purposes:—

Appropriations.

For painting and other repairs on the buildings of the state almshouse at Tewksbury, a sum not exceeding thirty-five hundred dollars, as authorized by chapter thirty-seven of the resolves of the present year.

State almshouse.

For providing for the better protection of the reformatory prison for women against fire, a sum not exceeding ten thousand dollars, as authorized by chapter thirty-nine of the resolves of the present year.

Reformatory prison for women.

For the Gettysburg battlefield memorial association, five thousand dollars, as authorized by chapter forty-two of the acts of the present year.

Gettysburg memorial association.

For the construction of six double tenement houses, coal sheds, and for repairs at the state prison at Concord, a sum not exceeding twenty-eight thousand dollars, as authorized by chapter forty-three of the resolves of the present year.

State prison.

For the town of North Brookfield, three hundred and fourteen dollars and sixty-five cents, as authorized by chapter forty-four of the resolves of the present year.

North Brookfield.

For the Massachusetts agricultural college, for the purpose of providing eighty free scholarships, ten thousand

Agricultural college.

dollars, as authorized by chapter forty-six of the resolves of the present year.

Treasurer's clerk.

For the salary of a fund clerk in the office of the treasurer and receiver-general, eight hundred dollars, as authorized by chapter one hundred and sixty-four of the acts of the present year.

Secretary of board of agriculture.

For the salary of the secretary of the board of agriculture, three hundred and thirteen dollars and seventeen cents, as authorized by chapter one hundred and eighty-four of the acts of the present year, in addition to the amount heretofore appropriated.

Sewage of state prison.

For the disposal of the sewage of the state prison at Concord, a sum not exceeding five thousand dollars, as authorized by chapter one hundred and sixty-seven of the acts of the present year.

Arsenal at Cambridge.

For expenses in connection with proposed sale of the state arsenal at Cambridge, two hundred and ten dollars and six cents.

"Blue book" printing and binding.

For printing and binding the "blue book" edition of the acts and resolves of the present year, with the governor's message and other matters in the usual form, a sum not exceeding two thousand dollars, in addition to the amount heretofore appropriated.

Legislative printing and binding.

For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding five thousand dollars, in addition to the amount heretofore appropriated.

Bounty for sugar beets, etc.

For granting a bounty for the production of sugar beets or sorghum cane for the purpose of manufacturing sugar, a sum not exceeding ten thousand dollars, as authorized by chapter one hundred and eighty-nine of the acts of the present year.

State house.

For repairs, improvements and furniture at the state house, a sum not exceeding fifteen hundred dollars, in addition to the amount heretofore appropriated.

Prison and hospital loan sinking fund.

To make good the deficit of the income of the prison and hospital loan sinking fund, in accordance with the provisions of section three of chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, the sum of one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

[The foregoing was laid before the Governor on the twenty-sixth day of June, 1883, and after five days it had the "force of a law" as prescribed by the Constitution, as it was not returned by him with his objections within that time.]

AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION
FIVE HUNDRED THOUSAND DOLLARS.

Chap. 272

Be it enacted, etc., as follows:

SECTION 1. Each city and town in this Commonwealth shall be assessed, and pay the several sums with which they stand respectively charged in the following schedule, that is to say:—

State tax of
\$1,500,000. *

BARNSTABLE COUNTY.

Barnstable
County.

Barnstable, . . .	Twenty-seven hundred and seventy-five dollars, . . .	\$2,775 00
Brewster, . . .	Nine hundred and seventy-five dollars, . . .	975 00
Chatham, . . .	Six hundred and seventy-five dollars, . . .	675 00
Dennis, . . .	Twelve hundred and fifteen dollars, . . .	1,215 00
Eastham, . . .	Two hundred and ten dollars, . . .	210 00
Falmouth, . . .	Three thousand and sixty dollars, . . .	3,060 00
Harwich, . . .	Nine hundred and fifteen dollars, . . .	915 00
Mashpee, . . .	Ninety dollars, . . .	90 00
Orleans, . . .	Five hundred and ten dollars, . . .	510 00
Provincetown, . . .	Seventeen hundred and twenty-five dollars, . . .	1,725 00
Sandwich, . . .	Fifteen hundred and ninety dollars, . . .	1,590 00
Truro, . . .	Two hundred and forty dollars, . . .	240 00
Wellfleet, . . .	Eight hundred and ten dollars, . . .	810 00
Yarmouth, . . .	Thirteen hundred and thirty-five dollars, . . .	1,335 00
		\$16,125 00

BERKSHIRE COUNTY.

Berkshire
County.

Adams, . . .	Twenty-six hundred and seventy dollars, . . .	\$2,670 00
Alford, . . .	Two hundred and twenty-five dollars, . . .	225 00
Becket, . . .	Three hundred and forty-five dollars, . . .	345 00
Cheshire, . . .	Six hundred and seventy-five dollars, . . .	675 00
Clarksburg, . . .	One hundred and eighty dollars, . . .	180 00

Berkshire
County.

BERKSHIRE COUNTY — CONCLUDED.

Dalton, . . .	Thirteen hundred and sixty-five dollars, . . .	\$1,365 00
Egremont, . . .	Three hundred and seventy-five dollars, . . .	375 00
Florida, . . .	One hundred and thirty-five dollars, . . .	135 00
Great Barrington, . . .	Twenty-four hundred and thirty dollars, . . .	2,430 00
Hancock, . . .	Three hundred and sixty dollars, . . .	360 00
Hinsdale, . . .	Six hundred and seventy-five dollars, . . .	675 00
Lanesborough, . . .	Five hundred and ten dollars, . . .	510 00
Lee, . . .	Seventeen hundred and twenty-five dollars, . . .	1,725 00
Lenox, . . .	Twelve hundred and fifteen dollars, . . .	1,215 00
Monterey, . . .	Two hundred and twenty-five dollars, . . .	225 00
Mount Washington, . . .	Sixty dollars, . . .	60 00
New Ashford, . . .	Seventy-five dollars, . . .	75 00
New Marlborough, . . .	Six hundred dollars, . . .	600 00
North Adams, . . .	Forty-two hundred and thirty dollars, . . .	4,230 00
Otis, . . .	Two hundred and ten dollars, . . .	210 00
Peru, . . .	One hundred and twenty dollars, . . .	120 00
Pittsfield, . . .	Seventy-three hundred and five dollars, . . .	7,305 00
Richmond, . . .	Four hundred and five dollars, . . .	405 00
Sandisfield, . . .	Three hundred and forty-five dollars, . . .	345 00
Savoy, . . .	One hundred and eighty dollars, . . .	180 00
Sheffield, . . .	Eight hundred and seventy dollars, . . .	870 00
Stockbridge, . . .	Twenty-two hundred and ninety-five dollars, . . .	2,295 00
Tyringham, . . .	Two hundred and ten dollars, . . .	210 00
Washington, . . .	One hundred and eighty dollars, . . .	180 00
West Stockbridge, . . .	Six hundred and seventy-five dollars, . . .	675 00
Williamstown, . . .	Fourteen hundred and ten dollars, . . .	1,410 00
Windsor, . . .	One hundred and ninety-five dollars, . . .	195 00
		<hr/> \$32,475 00

BRISTOL COUNTY.

Bristol County.

Aeushnet, . .	Five hundred and seventy dollars, .	\$570 00
Attleborough, .	Forty-six hundred and sixty-five dollars, .	4,665 00
Berkley, . .	Three hundred and ninety dollars, .	390 00
Dartmouth, . .	Nineteen hundred and five dollars, .	1,905 00
Dighton, . .	Six hundred and ninety dollars, .	690 00
Easton, . .	Thirty-three hundred and ninety dollars, .	3,390 00
Fairhaven, . .	Thirteen hundred and ninety-five dollars, .	1,395 00
Fall River, . .	Thirty-six thousand and thirty dollars, .	36,030 00
Freetown, . .	Seven hundred and fifty dollars, .	750 00
Mansfield, . .	Ten hundred and thirty-five dollars, .	1,035 00
New Bedford, .	Twenty-five thousand seven hundred and seventy dollars, .	25,770 00
Norton, . .	Seven hundred and thirty-five dollars, .	735 00
Raynham, . .	Eight hundred and seventy dollars, .	870 00
Rehoboth, . .	Six hundred and sixty dollars, .	660 00
Seekonk, . .	Six hundred dollars,	600 00
Somerset, . .	Ten hundred and thirty-five dollars, .	1,035 00
Swanzy, . .	Six hundred and ninety dollars, .	690 00
Taunton, . .	Fourteen thousand two hundred and thirty-five dollars, .	14,235 00
Westport, . .	Twelve hundred and fifteen dollars, .	1,215 00
		<hr/> \$96,630 00

DUKES COUNTY.

Dukes County.

Chilmark, . .	Two hundred and twenty-five dollars, .	\$225 00
Cottage City, .	Nine hundred and seventy-five dollars, .	975 00
Edgartown, . .	Seven hundred and thirty-five dollars, .	735 00
Gay Head, . .	Fifteen dollars,	15 00
Gosnold, . .	One hundred and sixty-five dollars, .	165 00
Tisbury, . .	Six hundred and fifteen dollars, .	615 00
		<hr/> \$2,730 00

Essex County.

ESSEX COUNTY.

Amesbury, . .	Fourteen hundred and ten dollars, .	\$1,410 00
Andover, . .	Forty-one hundred and forty dollars,	4,140 00
Beverly, . .	Eighty-three hundred and fifty-five dollars,	8,355 00
Boxford, . .	Five hundred and fifty-five dollars,	555 00
Bradford, . .	Eleven hundred and seventy dollars,	1,170 00
Danvers, . .	Thirty-two hundred and ten dollars,	3,210 00
Essex, . . .	Eight hundred and twenty-five dol- lars,	825 00
Georgetown, .	Nine hundred dollars,	900 00
Gloucester, .	Eighty-three hundred and seventy dollars,	8,370 00
Groveland, .	Seven hundred and eighty dollars,	780 00
Hamilton, . .	Five hundred and fifty-five dollars,	555 00
Haverhill, . .	Ten thousand one hundred and seventy dollars,	10,170 00
Ipswich, . .	Seventeen hundred and eighty-five dollars,	1,785 00
Lawrence, . .	Twenty-two thousand five hundred and seventy-five dollars,	22,575 00
Lynn, . . .	Twenty-one thousand five hundred and ten dollars,	21,510 00
Lynnfield, . .	Four hundred and eighty dollars, .	480 00
Manchester, .	Three thousand and ninety dollars,	3,090 00
Marblehead, .	Thirty-four hundred and fifty dol- lars,	3,450 00
Merrimac, . .	Ten hundred and thirty-five dollars,	1,035 00
Methuen, . .	Twenty-three hundred and seventy dollars,	2,370 00
Middleton, .	Four hundred and fifty dollars, .	450 00
Nahant, . .	Five thousand one hundred and seventy-five dollars,	5,175 00
Newbury, . .	Eight hundred and eighty-five dol- lars,	885 00
Newburyport, .	Seven thousand and eighty dollars,	7,080 00
North Andover, .	Twenty-two hundred and five dol- lars,	2,205 00
Peabody, . .	Six thousand and thirty dollars, .	6,030 00
Rockport, . .	Seventeen hundred and eighty-five dollars,	1,785 00
Rowley, . .	Four hundred and eighty dollars, .	480 00

ESSEX COUNTY — CONCLUDED.

Essex County.

Salem, . . .	Twenty-two thousand nine hundred and ninety-five dollars, . .	\$22,995 00
Salisbury, . .	Nineteen hundred and thirty-five dollars,	1,935 00
Saugus, . . .	Eleven hundred and seventy dollars,	1,170 00
Swampscott, . .	Thirty-two hundred and ten dollars,	3,210 00
Topsfield, . .	Six hundred and sixty dollars,	660 00
Wenham, . . .	Four hundred and sixty-five dollars,	465 00
West Newbury, .	Nine hundred and ninety dollars,	990 00
		\$152,250 00

FRANKLIN COUNTY.

Franklin County.

Ashfield, . . .	Four hundred and five dollars,	\$405 00
Bernardston, . .	Three hundred and ninety dollars,	390 00
Buckland, . . .	Four hundred and eighty dollars,	480 00
Charlemont, . .	Three hundred dollars,	300 00
Colrain, . . .	Five hundred and seventy dollars,	570 00
Conway, . . .	Six hundred and forty-five dollars,	645 00
Deerfield, . . .	Eleven hundred and twenty-five dollars,	1,125 00
Erving,	Two hundred and eighty-five dollars,	285 00
Gill,	Three hundred and seventy-five dollars,	375 00
Greenfield, . .	Twenty-seven hundred and ninety dollars,	2,790 00
Hawley,	One hundred and fifty dollars,	150 00
Heath,	One hundred and sixty-five dollars,	165 00
Leverett, . . .	Two hundred and forty dollars,	240 00
Leyden,	One hundred and eighty dollars,	180 00
Monroe,	Thirty dollars,	30 00
Montague, . . .	Twenty-four hundred and thirty dollars,	2,430 00
New Salem, . .	Two hundred and eighty-five dollars,	285 00
Northfield, . .	Six hundred and fifteen dollars,	615 00

Franklin
County.

FRANKLIN COUNTY — CONCLUDED.

Orange, . . .	Fifteen hundred and forty-five dol- lars, . . .	\$1,545 00
Rowe, . . .	One hundred and fifty dollars, . . .	150 00
Shelburne, . . .	Seven hundred and fifty dollars, . . .	750 00
Shutesbury, . . .	One hundred and thirty-five dollars, . . .	135 00
Sunderland, . . .	Three hundred and sixty dollars, . . .	360 00
Warwick, . . .	Two hundred and seventy dollars, . . .	270 00
Wendell, . . .	One hundred and sixty-five dollars, . . .	165 00
Whately, . . .	Three hundred and ninety dollars, . . .	390 00
		<hr/> \$15,225 00

Hampden
County.

HAMPDEN COUNTY.

Agawam, . . .	Eleven hundred and ten dollars, . . .	\$1,110 00
Blandford, . . .	Three hundred and fifteen dollars, . . .	315 00
Brimfield, . . .	Four hundred and fifty dollars, . . .	450 00
Chester, . . .	Four hundred and fifty dollars, . . .	450 00
Chicopee, . . .	Forty-six hundred and eighty dol- lars, . . .	4,680 00
Granville, . . .	Three hundred and thirty dollars, . . .	330 00
Hampden, . . .	Three hundred and ninety dollars, . . .	390 00
Holland, . . .	One hundred and five dollars, . . .	105 00
Holyoke, . . .	Eleven thousand seven hundred and forty-five dollars, . . .	11,745 00
Longmeadow, . . .	Ten hundred and five dollars, . . .	1,005 00
Ludlow, . . .	Six hundred and sixty dollars, . . .	660 00
Monson, . . .	Fourteen hundred and twenty-five dollars, . . .	1,425 00
Montgomery, . . .	One hundred and twenty dollars, . . .	120 00
Palmer, . . .	Twenty-one hundred and thirty dollars, . . .	2,130 00
Russell, . . .	Three hundred and seventy-five dollars, . . .	375 00
Southwick, . . .	Five hundred and twenty-five dol- lars, . . .	525 00
Springfield, . . .	Thirty-one thousand, four hundred and twenty-five dollars, . . .	31,425 00

HAMPDEN COUNTY — CONCLUDED.

Hampden
County.

Tolland, . . .	One hundred and sixty-five dollars,	\$165 00
Wales, . . .	Three hundred and thirty dollars, .	330 00
Westfield, . . .	Fifty-four hundred dollars, . . .	5,400 00
West Springfield,	Twenty-seven hundred and ninety dollars, . . .	2,790 00
Wilbraham, . .	Six hundred and thirty dollars, .	630 00
		<hr/> \$66,555 00

HAMPSHIRE COUNTY.

Hampshire
County.

Amherst, . . .	Twenty-two hundred and sixty-five dollars, . . .	\$2,265 00
Belchertown, . .	Nine hundred and fifteen dollars, .	915 00
Chesterfield, . .	Two hundred and seventy dollars, .	270 00
Cummington, . .	Three hundred and fifteen dollars,	315 00
Easthampton, . .	Twenty-one hundred dollars, . . .	2,100 00
Enfield, . . .	Six hundred and forty-five dollars,	645 00
Goshen, . . .	One hundred and five dollars, . . .	105 00
Granby, . . .	Three hundred and ninety dollars, .	390 00
Greenwich, . . .	Two hundred and forty dollars, . .	240 00
Hadley, . . .	Ten hundred and thirty-five dollars,	1,035 00
Hatfield, . . .	Nine hundred dollars,	900 00
Huntington, . .	Four hundred and thirty-five dol- lars,	435 00
Middlefield, . .	Two hundred and eighty-five dol- lars,	285 00
Northampton, . .	Seven thousand and eighty dollars,	7,080 00
Pelham, . . .	One hundred and fifty dollars, . . .	150 00
Plainfield, . . .	One hundred and fifty dollars, . . .	150 00
Prescott, . . .	One hundred and sixty-five dollars,	165 00
South Hadley, . .	Sixteen hundred and sixty-five dol- lars,	1,665 00
Southampton, . .	Four hundred and fifty dollars, . .	450 00
Ware, . . .	Nineteen hundred and eighty dol- lars,	1,980 00

Hampshire
County.

HAMPSHIRE COUNTY — CONCLUDED.

Westhampton, .	Two hundred and forty dollars, .	\$240 00
Williamsburg, .	Eight hundred and fifty-five dollars,	855 00
Worthington, .	Two hundred and eighty-five dol- lars,	285 00
		<hr/> \$22,920 00

Middlesex
County.

MIDDLESEX COUNTY.

Acton, . . .	Eleven hundred and ten dollars, .	\$1,110 00
Arlington, . .	Forty-three hundred and thirty-five dollars,	4,335 00
Ashby, . . .	Four hundred and thirty-five dol- lars,	435 00
Ashland, . . .	Eleven hundred and eighty-five dol- lars,	1,185 00
Ayer,	Nine hundred and thirty dollars, .	930 00
Bedford, . . .	Six hundred and sixty dollars, .	660 00
Belmont, . . .	Twenty-six hundred and forty dol- lars,	2,640 00
Billerica, . . .	Sixteen hundred and twenty dollars,	1,620 00
Boxborough, . .	Two hundred and twenty-five dol- lars,	225 00
Burlington, . .	Four hundred and twenty dollars,	420 00
Cambridge, . .	Forty-four thousand eight hundred and thirty-five dollars,	44,835 00
Carlisle, . . .	Three hundred and thirty dollars, .	330 00
Chelmsford, . .	Fourteen hundred and fifty-five dol- lars,	1,455 00
Concord, . . .	Twenty-eight hundred and ninety- five dollars	2,895 00
Draeut,	Nine hundred and ninety dollars, .	990 00
Dunstable, . . .	Two hundred and seventy dollars, .	270 00
Everett,	Thirty-nine hundred and seventy- five dollars	3,975 00
Framingham, . .	Forty-eight hundred and ninety dol- lars,	4 890 00
Groton,	Twenty-six hundred and seventy dollars,	2,670 00
Holliston, . . .	Fifteen hundred dollars,	1,500 00
Hopkinton, . .	Two thousand and twenty-five dol- lars,	2,025 00
Hudson,	Sixteen hundred and ninety-five dollars,	1,695 00

MIDDLESEX COUNTY — CONTINUED.

Middlesex
County.

Lexington, . . .	Twenty-one hundred and seventy-five dollars, . . .	\$2,175 00
Lincoln, . . .	Eleven hundred and forty dollars, . . .	1,140 00
Littleton, . . .	Six hundred and sixty dollars, . . .	660 00
Lowell, . . .	Forty-one thousand five hundred and sixty-five dollars, . . .	41,565 00
Malden, . . .	Nine thousand six hundred and ninety dollars, . . .	9,690 00
Marlborough, . . .	Three thousand four hundred and ninety-five dollars, . . .	3,495 00
Maynard, . . .	Fourteen hundred and twenty-five dollars, . . .	1,425 00
Medford, . . .	Seven thousand and twenty dollars, . . .	7,020 00
Melrose, . . .	Thirty-three hundred and thirty dollars, . . .	3,330 00
Natick, . . .	Thirty-nine hundred and ninety dollars, . . .	3,990 00
Newton, . . .	Twenty-four thousand one hundred and thirty-five dollars, . . .	24,135 00
North Reading, . . .	Four hundred and thirty-five dollars, . . .	435 00
Pepperell, . . .	Thirteen hundred and sixty-five dollars, . . .	1,365 00
Reading, . . .	Two thousand and fifty-five dollars, . . .	2,055 00
Sherborn, . . .	Seven hundred and thirty-five dollars, . . .	735 00
Shirley, . . .	Six hundred and forty-five dollars, . . .	645 00
Somerville, . . .	Nineteen thousand seven hundred and twenty-five dollars, . . .	19,725 00
Stoneham, . . .	Twenty-six hundred and twenty-five dollars, . . .	2,625 00
Stow, . . .	Eight hundred and ten dollars, . . .	810 00
Sudbury, . . .	Nine hundred and fifteen dollars, . . .	915 00
Tewksbury, . . .	Nine hundred and ninety dollars, . . .	990 00
Townsend, . . .	Nine hundred and seventy-five dollars, . . .	975 00
Tyngsborough, . . .	Three hundred and thirty dollars, . . .	330 00
Wakefield, . . .	Thirty-two hundred and ten dollars, . . .	3,210 00
Waltham, . . .	Eighty-four hundred and sixty dollars, . . .	8,460 00
Watertown, . . .	Sixty-six hundred and seventy-five dollars, . . .	6,675 00
Wayland, . . .	Ten hundred and eighty dollars, . . .	1,080 00
Westford, . . .	Nine hundred and seventy-five dollars, . . .	975 00

Middlesex
County.

MIDDLESEX COUNTY — CONCLUDED.

Weston, . .	Eighteen hundred and sixty dollars,	\$1,860 00
Wilmington, .	Four hundred and ninety-five dollars,	495 00
Winchester, .	Thirty-three hundred dollars,	3,300 00
Woburn, . .	Seventy-two hundred dollars,	7,200 00
		<hr/> \$244,575 00

Nantucket
County.

NANTUCKET COUNTY.

Nantucket, .	Twenty-two hundred and ninety-five dollars,	\$2,295 00
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Norfolk
County.

NORFOLK COUNTY.

Bellingham, .	Five hundred and ten dollars,	\$510 00
Braintree, . .	Twenty-seven hundred and ninety dollars,	2,790 00
Brookline, . .	Twenty-three thousand four hundred and forty-five dollars,	23,445 00
Canton, . . .	Twenty-eight hundred and thirty-five dollars,	2,835 00
Cohasset, . .	Twenty-seven hundred and fifteen dollars,	2,715 00
Dedham, . . .	Forty-eight hundred and ninety dollars,	4,890 00
Dover,	Four hundred and five dollars,	405 00
Foxborough, .	Thirteen hundred and thirty-five dollars,	1,335 00
Franklin, . . .	Sixteen hundred and thirty-five dollars,	1,635 00
Holbrook, . .	Twelve hundred and seventy-five dollars,	1,275 00
Hyde Park, . .	Four thousand and sixty-five dollars,	4,065 00
Medfield, . .	Ten hundred and twenty dollars,	1,020 00
Medway, . . .	Fourteen hundred and eighty-five dollars,	1,485 00
Milton,	Ninety-eight hundred and eighty-five dollars,	9,885 00
Needham, . . .	Fifteen hundred and fifteen dollars,	1,515 00
Norfolk, . . .	Three hundred and forty-five dollars,	345 00
Norwood, . . .	Sixteen hundred and sixty-five dollars,	1,665 00

NORFOLK COUNTY — CONCLUDED.

Norfolk
County.

Quincy, . .	Sixty-seven hundred and fifty dollars,	\$6,750 00
Randolph, . .	Twenty-one hundred and seventy-five dollars,	2,175 00
Sharon, . .	Nine hundred and seventy-five dollars,	975 00
Stoughton, . .	Nineteen hundred and fifty dollars,	1,950 00
Walpole, . .	Twelve hundred and thirty dollars,	1,230 00
Wellesley, . .	Twenty-nine hundred and ten dollars,	2,910 00
Weymouth, . .	Fifty-four hundred and ninety dollars,	5,490 00
Wrentham, . .	Eleven hundred and fifty-five dollars,	1,155 00
		<hr/> \$84,450 00

PLYMOUTH COUNTY.

Plymouth
County.

Abington, . .	Sixteen hundred and sixty-five dollars,	\$1,665 00
Bridgewater, . .	Two thousand and seventy dollars,	2,070 00
Brockton, . .	Seventy-eight hundred dollars,	7,800 00
Carver, . .	Five hundred and ten dollars,	510 00
Duxbury, . .	Eleven hundred and ten dollars,	1,110 00
E. Bridgewater, . .	Thirteen hundred and ninety-five dollars,	1,395 00
Halifax, . .	Two hundred and twenty-five dollars,	225 00
Hanover, . .	Ten hundred and sixty-five dollars,	1,065 00
Hanson, . .	Five hundred and ten dollars,	510 00
Hingham, . .	Thirty-one hundred and eighty dollars,	3,180 00
Hull, . .	Twelve hundred and forty-five dollars,	1,245 00
Kingston, . .	Sixteen hundred and sixty-five dollars,	1,665 00
Lakeville, . .	Four hundred and thirty-five dollars,	435 00
Marion, . .	Seven hundred and twenty dollars,	720 00
Marshfield, . .	Nine hundred and seventy-five dollars,	975 00
Mattapoisett, . .	Eleven hundred and eighty-five dollars,	1,185 00
Middleborough, . .	Twenty-six hundred and ten dollars,	2,610 00

Plymouth
County.

PLYMOUTH COUNTY — CONCLUDED.

Pembroke, . .	Six hundred dollars,	\$600 00
Plymouth, . .	Forty-two hundred and fifteen dol- lars,	4,215 00
Plympton, . .	Two hundred and seventy dollars, .	270 00
Rochester, . .	Four hundred and twenty dollars, .	420 00
Rockland, . .	Two thousand and ten dollars, . .	2,010 00
Scituate, . .	Eleven hundred and seventy dol- lars,	1,170 00
South Abington,	Nineteen hundred and fifty dollars,	1,950 00
South Scituate, .	One thousand and five dollars . .	1,005 00
Wareham, . .	Ten hundred and eighty dollars, .	1,080 00
W. Bridgewater,	Eight hundred and forty dollars, .	840 00
		<hr/> \$41,925 00

Suffolk County.

SUFFOLK COUNTY.

Boston, . .	Five hundred and seventy-eight thousand and fifty-five dollars, .	\$578,055 00
Chelsea, . .	Fourteen thousand four hundred and forty-five dollars,	14,445 00
Revere, . .	Twenty-one hundred and sixty dol- lars,	2,160 00
Winthrop, . .	Thirteen hundred and eighty dol- lars,	1,380 00
		<hr/> \$596,040 00

Worcester
County.

WORCESTER COUNTY.

Ashburnham, . .	Eight hundred and fifty-five dol- lars,	\$855 00
Athol, . .	Twenty-one hundred dollars, . .	2,100 00
Auburn, . .	Four hundred and thirty-five dol- lars,	435 00
Barre, . .	Thirteen hundred and twenty dol- lars,	1,320 00
Berlin, . .	Four hundred and thirty-five dol- lars,	435 00
Blackstone, . .	Eighteen hundred and forty-five dollars,	1,845 00
Bolton, . .	Four hundred and fifty dollars, . .	450 00
Boylston, . .	Four hundred and thirty-five dol- lars,	435 00

WORCESTER COUNTY — CONTINUED.

Worcester
County.

Brookfield, . . .	Eleven hundred and fifty-five dol- lars, . . .	\$1,155 00
Charlton, . . .	Nine hundred and thirty dollars, . .	930 00
Clinton, . . .	Forty-four hundred and twenty-five dollars, . . .	4,425 00
Dana, . . .	Two hundred and forty dollars, . .	240 00
Douglas, . . .	Nine hundred and thirty dollars, . .	930 00
Dudley, . . .	Eight hundred and forty dollars, . .	840 00
Fitchburg, . . .	Ninety-five hundred and forty dol- lars, . . .	9,540 00
Gardner, . . .	Twenty-four hundred and fifteen dollars, . . .	2,415 00
Grafton, . . .	Eighteen hundred and sixty dol- lars, . . .	1,860 00
Hardwick, . . .	Ten hundred and thirty-five dol- lars, . . .	1,035 00
Harvard, . . .	Eight hundred and twenty-five dol- lars, . . .	825 00
Holden, . . .	Nine hundred dollars, . . .	900 00
Hubbardston, . .	Six hundred and seventy-five dol- lars, . . .	675 00
Lancaster, . . .	Twenty-two hundred and fifty dol- lars, . . .	2,250 00
Leicester, . . .	Fifteen hundred and seventy-five dollars, . . .	1,575 00
Leominster, . . .	Thirty-four hundred and twenty dol- lars, . . .	3,420 00
Lunenburg, . . .	Six hundred and thirty dollars, . .	630 00
Mendon, . . .	Five hundred and forty dollars, . .	540 00
Milford, . . .	Forty-seven hundred and forty dol- lars, . . .	4,740 00
Millbury, . . .	Eighteen hundred and ninety dol- lars, . . .	1,890 00
New Braintree, .	Four hundred and five dollars, . .	405 00
Northborough, .	Nine hundred and ninety dollars, . .	990 00
Northbridge, . .	Twenty-three hundred and forty dol- lars, . . .	2,340 00
North Brookfield,	Seventeen hundred and twenty-five dollars, . . .	1,725 00
Oakham, . . .	Three hundred and fifteen dollars, .	315 00
Oxford, . . .	Twelve hundred and forty-five dol- lars, . . .	1,245 00
Paxton, . . .	Two hundred and forty dollars, . .	240 00
Petersham, . . .	Five hundred and forty dollars, . .	540 00

Worcester
County.

WORCESTER COUNTY — CONCLUDED.

Phillipston, .	Two hundred and fifty-five dollars,	\$255 00
Princeton, .	Seven hundred and sixty-five dol- lars,	765 00
Royalston, .	Seven hundred and five dollars, .	705 00
Rutland, .	Four hundred and twenty dollars, .	420 00
Shrewsbury, .	Nine hundred dollars, . . .	900 00
Southborough, .	Eleven hundred and eighty-five dol- lars,	1,185 00
Southbridge, .	Twenty-eight hundred and twenty dollars, .	2,820 00
Spencer, .	Three thousand and ninety dollars, .	3,090 00
Sterling, .	Eight hundred and ten dollars, .	810 00
Sturbridge, .	Nine hundred and thirty dollars, .	930 00
Sutton, .	Twelve hundred dollars, . . .	1,200 00
Templeton, .	Ten hundred and ninety-five dol- lars, .	1,095 00
Upton, .	Seven hundred and fifty dollars, .	750 00
Uxbridge, .	Eighteen hundred and fifteen dol- lars, .	1,815 00
Warren, .	Nineteen hundred and thirty-five dollars, .	1,935 00
Webster, .	Twenty-one hundred and forty-five dollars, .	2,145 00
Westborough, .	Twenty-three hundred and forty dollars, .	2,340 00
West Boylston, .	Ten hundred and thirty-five dol- lars, .	1,035 00
West Brookfield, .	Seven hundred and sixty-five dol- lars, .	765 00
Westminster, .	Seven hundred and twenty dollars, .	720 00
Winchendon, .	Sixteen hundred and ninety-five dollars, .	1,695 00
Worcester, .	Forty-one thousand nine hundred and forty dollars, . . .	41,940 00
		<hr/> \$125,805 00

RECAPITULATION.

Recapitulation
by counties.

Barnstable County,	Sixteen thousand one hundred and twenty-five dollars, . . .	\$16,125 00
Berkshire County, .	Thirty-two thousand four hundred and seventy-five dollars, .	32,475 00
Bristol County, .	Ninety-six thousand six hundred and thirty dollars, . . .	96,630 00
Dukes County, .	Twenty-seven hundred and thirty dollars, . . .	2,730 00
Essex County, .	One hundred and fifty-two thousand two hundred and fifty dollars, . . .	152,250 00
Franklin County, .	Fifteen thousand two hundred and twenty-five dollars, . . .	15,225 00
Hampden County, .	Sixty-six thousand five hundred and fifty-five dollars, . . .	66,555 00
Hampshire County,	Twenty-two thousand nine hundred and twenty dollars, . . .	22,920 00
Middlesex County, .	Two hundred and forty-four thousand five hundred and seventy-five dollars, . . .	244,575 00
Nantucket County,	Two thousand two hundred and ninety-five dollars, . . .	2,295 00
Norfolk County, .	Eighty-four thousand four hundred and fifty dollars, . . .	84,450 00
Plymouth County, .	Forty-one thousand nine hundred and twenty-five dollars, .	41,925 00
Suffolk County, .	Five hundred and ninety-six thousand and forty dollars, .	596,040 00
Worcester County,	One hundred and twenty-five thousand eight hundred and five dollars, . . .	125,805 00
		<hr/> \$1,500,000 00

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the Public Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Treasurer of
the Common-
wealth to issue
warrants.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or to issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year eighteen hundred

To require
selectmen or
assessors to
issue warrants
to city or town
treasurers.

and eighty-three, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns with the sum which each may be required to collect, to the treasurer of the Commonwealth at some time before the first day of October in the year eighteen hundred and eighty-three.

To notify the treasurers of delinquent cities and town .

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, from and after the tenth day of December in the year eighteen hundred and eighty-three; and if the same remains unpaid after the first day of January in the year eighteen hundred and eighty-four, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court or before any justice thereof against such delinquent city or town; and upon notice to such city or town and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

Warrant of distress may issue to enforce payment.

SECTION 5. This act shall take effect upon its passage.

Approved July 20, 1883.

Chap.273 AN ACT AUTHORIZING THE TOWN OF LEOMINSTER TO RENEW ITS WATER BONDS.

Be it enacted, etc., as follows:

May renew water bonds.

The town of Leominster is hereby authorized to renew any of the bonds heretofore issued by virtue of section four of chapter two hundred and forty-nine of the acts of the year eighteen hundred and seventy-one: *provided*, that in no event shall the time for the payment of the same or any part thereof be extended beyond the period of thirty years from the fifth day of May in the year eighteen hundred and seventy-one.

Approved July 20, 1883.

AN ACT TO AUTHORIZE THE CITY OF LYNN TO SUPPLY THE OCCUPANTS OF HOTEL NAHANT WITH WATER. *Chap.274*

Be it enacted, etc., as follows :

SECTION 1. The city of Lynn is authorized to furnish, from its water supply, to the occupants of the premises known as Hotel Nahant, situated in the town of Nahant, a supply of water for the use of said occupants, for the extinguishment of fires and for domestic purposes.

Supply of water for occupants of Hotel Nahant.

SECTION 2. This act shall take effect upon its passage.

Approved July 20, 1883.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE PAROCHIAL FUNDS OF THE CENTRAL SOCIETY IN WORCESTER, TO APPLY TO THE SUPREME JUDICIAL COURT FOR LEAVE TO CONVEY THE CHURCH PROPERTY. *Chap.275*

Be it enacted, etc., as follows :

SECTION 1. The trustees of the parochial funds of the Central Society in Worcester, originally incorporated by an act approved on the second day of February in the year eighteen hundred and twenty-seven, are hereby authorized to apply to the supreme judicial court sitting in equity for leave to convey all its real and personal estate to the Central Society in Worcester, incorporated by an act approved on the eighth day of February in the year eighteen hundred and twenty-five, to hold said property, or the proceeds thereof if sold or mortgaged, for the purpose of maintaining the public worship of God, and said court, on hearing all parties in interest, may grant such leave, and make such other decree as justice and equity shall seem to require.

May apply to S. J. C. for leave to convey church property.

SECTION 2. This act shall take effect upon its passage.

Approved July 26, 1883.

AN ACT MAKING FURTHER APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES. *Chap.276*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit : —

Appropriations.

To carry out the provisions of the act entitled "An Act to amend an act relating to the adulteration of Food and

Adulteration of food, etc.

Drugs," two thousand dollars, in addition to the amount heretofore appropriated.

Doorkeepers, messengers, etc. For the compensation of doorkeepers, messengers and pages to the present legislature, a sum not exceeding two thousand dollars, in addition to the amount heretofore appropriated.

State prison. For the state prison at Concord, a sum not exceeding three thousand dollars, as authorized by chapter sixty of the resolves of the present year.

Fuel and lights. For fuel and lights at the state house, a sum not exceeding two thousand five hundred dollars, in addition to the amount heretofore appropriated.

Paupers transferred from workhouse to almshouse. For the support of paupers transferred from the Bridgewater workhouse to the Tewksbury almshouse, there may be used from the appropriation for current expenses at the Bridgewater workhouse for the present year, a sum not exceeding ten thousand dollars.

Paupers transferred to Westborough. The appropriations made the present year for the expenses at the Bridgewater workhouse may be used for the support of the inmates of said institution now transferred to Westborough, except as herein otherwise provided.

SECTION 2. This act shall take effect upon its passage.

Approved July 27, 1883.

Chap. 277 AN ACT MAKING AN APPROPRIATION FOR REBUILDING THE STATE WORKHOUSE AT BRIDGEWATER.

Be it enacted, etc., as follows:

Appropriation for rebuilding state workhouse at Bridgewater. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, to provide for the rebuilding the state workhouse at Bridgewater, and for furnishing the same when erected, to wit: — For rebuilding the state workhouse at Bridgewater, a sum not exceeding fifty thousand dollars; and for furnishing the building or buildings when erected, a sum not exceeding ten thousand dollars, as authorized by a resolve passed the present year.

SECTION 2. This act shall take effect upon its passage.

Approved July 27, 1883.

AN ACT CONCERNING THE APPOINTMENT OF SUPERINTENDENT AND
RESIDENT PHYSICIAN AT THE STATE ALMSHOUSE.

Chap. 278

Be it enacted, etc., as follows:

Nothing contained in chapter eighty-six of the Public Statutes shall prevent the appointment of the same person to hold the offices of superintendent and resident physician at the state almshouse at Tewksbury, subject to the approval of the governor and council.

Superintendent
and resident
physician.

Approved July 27, 1883.

AN ACT IN RELATION TO THE STATE WORKHOUSE.

Chap. 279

Be it enacted, etc., as follows:

SECTION 1. The state workhouse heretofore established at Bridgewater is hereby established in Westborough, in the county of Worcester, until other provision shall be legally made, and that portion of the buildings heretofore occupied by the state reform school in said Westborough, which was constructed in the year eighteen hundred and seventy-six, is hereby devoted to that purpose. The persons confined in the state workhouse at Bridgewater, and who were removed to said buildings in Westborough, on account of the burning of the buildings occupied at Bridgewater for the purposes of said workhouse shall be held in said buildings at Westborough, according to the terms and conditions of their several sentences to said workhouse at Bridgewater, and said removal shall not in any way impair the validity of such sentence, or abridge the authority of the superintendent of said workhouse to detain any person lawfully sentenced to imprisonment therein. The governor and council shall define the boundaries of the land which may be used for the purposes of said workhouse, and any escape from said lands shall be deemed to be an escape from said workhouse.

State work-
house estab-
lished at West-
borough.

SECTION 2. This act shall take effect upon its passage.

Approved July 27, 1883.

RESOLVES.

Chap. 1 RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Treasurer may borrow money in anticipation of the revenue.

Resolved, That the treasurer and receiver-general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may be from time to time necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve as soon as money sufficient for the purpose and not otherwise appropriated shall be received into the treasury.

Approved January 26, 1883.

Chap. 2 RESOLVE PROVIDING FOR THE DISTRIBUTION OF THE ABSTRACT OF THE SOCIAL AND INDUSTRIAL STATISTICS OF THE COMMONWEALTH.

Distribution of the abstract of the social and industrial statistics of the Commonwealth.

Resolved, That the edition of the abstract of the social and industrial statistics of the Commonwealth collected in the tenth United States census, and compiled by the chief of the bureau of statistics of labor under the provisions of chapter twenty-six, resolves of eighteen hundred and eighty-two, be distributed as follows:— five copies each, to the governor, lieutenant-governor, members of the council, the senate and house of representatives, and the clerks of the two houses; one copy each, to the assistant clerks and to the chaplains of the two houses of the legislature; two copies to each reporter; six copies to be placed upon the shelves of the library; five hundred copies to be reserved for the public document series; and the balance of the edition to be distributed by the secretary of the Commonwealth and the bureau of statistics of labor.

Approved February 21, 1883.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND
EAR INFIRMARY. *Chap. 3*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, ten thousand dollars to the Massachusetts charitable eye and ear infirmary, to be expended under the direction of the managers thereof, for the charitable purposes of said infirmary for the present year; and the said managers shall report to the state board of health, lunacy and charity.

Massachusetts
Eye and Ear
Infirmary.

Approved February 21, 1883.

RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT TAUNTON. *Chap. 4*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the state lunatic hospital at Taunton, five thousand five hundred dollars, to be expended for the following purposes: two thousand dollars for a new water heater and supply pipes; one thousand five hundred dollars for extension of water pipes, and three hydrants; one thousand dollars for an additional ice house and land necessary for the same; five hundred dollars for additional fire hose, and five hundred dollars for new floors in chapel, kitchen and halls.

State Lunatic
Hospital at
Taunton.

Approved March 9, 1883.

RESOLVE CONCERNING THE SUPERVISION OF IMMIGRATION. *Chap. 5*

Whereas, By an act of congress passed on the third day of August in the year one thousand eight hundred and eighty-two, entitled "An Act to regulate Immigration," the secretary of the treasury was empowered "to enter into contracts with such state commission, board, or officers as may be designated for that purpose by the governor of any state, to take charge of the local affairs of immigration within said state;" and *whereas* the governor of this Commonwealth has designated for said purpose the state board of health, lunacy and charity, and said board has entered into a contract with the secretary of the treasury, in accordance with said act of congress; therefore,

Agreement be-
tween secretary
of treasury
of U. S. and
state board of
health, lunacy
and charity
approved.

Resolved, That the agreement entered into, on the twenty-seventh day of November in the year eighteen hundred and eighty-two, by the secretary of the treasury of the United States, the party of the first part, and on the second day of December in the year eighteen hundred and eighty-two, by the state board of health, lunacy and

charity, the party of the second part, be and the same is hereby approved, subject to such modifications as may hereafter be made by said board with the approval of the governor and council.

Approved March 14, 1883.

Chap. 6

Allowance to town of Pepperell.

RESOLVE IN FAVOR OF THE TOWN OF PEPPERELL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Pepperell, the sum of eighty-six dollars and thirty-six cents, said sum having been paid into the treasury of the Commonwealth, under a mistake of facts, for the support of Mary Fitzgerald at the Danvers lunatic hospital; said Mary Fitzgerald having no settlement in the town of Pepperell.

Approved March 14, 1883.

Chap. 7

Allowance to town of Norton.

RESOLVE IN FAVOR OF THE TOWN OF NORTON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Norton, the sum of two hundred and sixty-eight dollars and thirty-five cents, the same being the amount of tax collected by the Commonwealth on certain shares of the national bank of Taunton, owned by the Congregational parish of said Norton, from and including the year one thousand eight hundred and seventy-three to and including the year one thousand eight hundred and eighty-one.

Approved March 14, 1883.

Chap. 8

Repeal of chapter 61 of the Resolves of 1882.

RESOLVE REPEALING CHAPTER SIXTY-ONE OF THE RESOLVES OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-TWO, RELATING TO REPORTS OF CONTESTED ELECTION CASES.

Whereas, Chapter sixty-one of the resolves of the year eighteen hundred and eighty-two provides that the president of the senate and the speaker of the house of representatives be authorized and requested to appoint two suitable persons to prepare and publish an edition of the reports of contested elections of the legislature from the year eighteen hundred and fifty-three to the year eighteen hundred and eighty-two, inclusive, with a suitable index thereto, and to fix the compensation of the persons so appointed, and that the total expense of preparing and publishing said reports shall not exceed the sum of twelve hundred dollars; and *whereas*, a communication from Robert R. Bishop, president of the senate,

and Charles J. Noyes, speaker of the house of representatives, for the year eighteen hundred and eighty-two, has informed the present legislature that they have not been able to obtain the services of suitable persons to prepare the volume of reports contemplated by said resolve, for an amount which would be within the sum limited by said resolves; therefore,

Resolved, That chapter sixty-one of the resolves of the year eighteen hundred and eighty-two is hereby repealed.

Approved March 24, 1883.

RESOLVE FOR THE ENCOURAGEMENT OF THE AMERICAN EXHIBITION
OF FOREIGN PRODUCTIONS, ARTS AND MANUFACTURES.

Chap. 9

Whereas, It has been announced to the senate and house of representatives of Massachusetts in general court assembled, that an American exhibition of foreign productions, arts and manufactures will be opened in Boston on September first eighteen hundred and eighty-three; *and whereas*, it is believed that the interests of the manufacturers of the Commonwealth and of New England will be largely benefited by this opportunity to study the advance made by foreign nations since the centennial exhibition at Philadelphia in eighteen hundred and seventy-six; therefore,

Committee appointed to co-operate with the general managers of the exhibition.

Resolved, That the legislature of Massachusetts deems it proper to recognize the great value of the proposed exhibition of foreign products to be held in Boston the present year, by joining in the reception of such foreign representatives as shall visit Boston during the progress of said exhibition; and that a special committee, consisting of two members of the senate (to be appointed by the president of that body), and three members of the house of representatives (to be appointed by the speaker of that body), be appointed to co-operate with the general managers of the exhibition in such manner as shall best subserve the interests and contribute to the success of said exhibition.

Approved March 24, 1883.

RESOLVE RELATING TO THE WAR RECORDS IN THE DEPARTMENT OF
THE ADJUTANT GENERAL.

Chap. 10

Resolved, That the adjutant general may finish the work on the war records in his department, authorized by chapter thirty-eight of the resolves of the year eighteen hundred and eighty-one, at an expense not exceeding four thousand dollars.

War records in the department of the adjutant general.

Approved March 24, 1883.

Chap. 11

RESOLVE FOR THE RELIEF OF JOHN OWENS.

John Owens.

Resolved, That from and after the first day of February in the year eighteen hundred and eighty-three, John Owens, a resident of Boston, who served in the United States navy between the sixth day of July in the year eighteen hundred and sixty-four and the thirty-first day of May in the year eighteen hundred and sixty-five, shall be entitled to receive the same amount of state and military aid he would have been entitled to receive had he been credited on the quota of the Commonwealth of Massachusetts during his term of service.

Approved March 30, 1883.

Chap. 12

RESOLVE IN FAVOR OF CATHARINE CURTIN.

Catharine Curtin, widow of Michael Curtin.

Resolved, That on and after the first day of March eighteen hundred and eighty-three, Catharine Curtin, widow of Michael Curtin, who was a member of company C, seventeenth regiment Massachusetts volunteers, shall be entitled to receive the same amount of state aid as she would have been entitled to receive had she been a resident of Massachusetts at the date of the passage of the act granting state aid.

Approved March 30, 1883.

Chap. 13

RESOLVE PROVIDING FOR THE PURCHASE OF NEW STEAM BOILERS AND STEAM PIPES FOR THE STATE WORKHOUSE AT BRIDGEWATER.

State workhouse at Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, the same to be expended under the direction of the trustees and superintendent of the state workhouse at Bridgewater, for the purchase of new steam boilers, and steam pipes connecting with the same, for said institution.

Approved March 30, 1883.

Chap. 14

RESOLVE IN RELATION TO LOAN AND TRUST COMPANIES.

Bill in relation to loan and trust companies to be reported to the next general court.

Resolved, That the bill in relation to loan and trust companies, reported to the present general court by the commissioners of savings banks and the commissioner of corporations be referred back to such commissioners, with instructions to give a hearing to the representatives of all the existing loan and trust corporations in the Commonwealth, to consider said bill, to make such amendments

thereto as they may deem expedient, and to report a new bill to the next general court.

[*The foregoing was laid before the Governor on the twenty-seventh day of March, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

RESOLVE CONFIRMING THE ACTS OF JAMES KEITH AS A JUSTICE OF THE PEACE.

Chap. 15

Acts done by James Keith, as justice of the peace, confirmed.

Resolved, That all acts done by James Keith, as a justice of the peace, between the thirteenth day of July and the twenty-seventh day of October in the year eighteen hundred and eighty-two, are hereby confirmed and made valid to the same extent as though he had been qualified during that time to discharge the duties of a justice of the peace.

Approved April 6, 1883.

RESOLVE PROVIDING FOR PRINTING THE REPORT OF THE TRUSTEES OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 16

Additional number of reports to be printed.

Resolved, That there be printed four thousand copies of the report of the trustees of the Massachusetts agricultural college for the year eighteen hundred and eighty-two, to be distributed as follows:—five hundred copies to the governor and council, fifteen hundred copies to the president of the college, and two thousand copies to the members of the present legislature.

Approved April 7, 1883.

RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT BRIDGEWATER.

Chap. 17

State normal school at Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, for painting the buildings and furnishing cases for the laboratory of the state normal school at Bridgewater; the same to be expended under the direction of the board of education.

Approved April 7, 1883.

RESOLVE IN FAVOR OF THE STATE PRIMARY SCHOOL AT MONSON.

Chap. 18

State primary school at Monson.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of four hundred and one dollars and ninety-six cents, being the unexpended balance of an appropriation authorized by chapter sixty of the resolves of the year eighteen hundred and

eighty-one, for the erection and completion of a new hospital at the state primary school at Monson; said amount being necessary for the completion of the hospital, and having reverted to the treasury according to law; the same to be expended under the direction of the trustees of the state primary and reform schools.

Approved April 7, 1883.

Chap. 19 RESOLVE FOR COVERING INTO THE TREASURY THE AMOUNTS STANDING TO THE CREDIT OF THE ACCOUNTS OF DIVIDENDS OF INSOLVENT INSURANCE COMPANIES AND DIVIDENDS OF INSOLVENT SAVINGS BANKS.

Certain amounts deposited to be covered into the treasury.

Resolved, That the treasurer of the Commonwealth is hereby directed to cover into the treasury that portion of the amounts deposited with him under the provisions of section one hundred seventy-three of chapter one hundred nineteen of the Public Statutes and section forty four of chapter one hundred sixteen of the Public Statutes and the acts of which those sections are a continuation, which has not been paid by him to claimants under the provisions of said acts, amounting on the first day of March, of the present year, to eleven thousand nine hundred and nine dollars eighty-six cents.

[*The foregoing was laid before the Governor on the fourth day of April, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap. 20 RESOLVE IN FAVOR OF RAND, AVERY AND COMPANY.

Rand, Avery & Company.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Rand, Avery and Company, of Boston, the sum of two hundred and ten dollars and thirteen cents, being the amount due them for the printing of one thousand pamphlets entitled "Popular Industrial Art Education," and five hundred pamphlets entitled "Lectures on Drawing."

Approved April 11, 1883.

Chap. 21 RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT DANVERS.

State lunatic hospital at Danvers.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the state lunatic hospital at Danvers, the sum of fifteen thousand five hundred dollars, to be expended for the following purposes: — twelve thousand dollars for the erection and

completion of a new laundry, the character and location of which shall be approved by the board of health, lunacy and charity before any contracts or expenditures shall be made; and thirty-five hundred dollars for painting and necessary repairs on said hospital.

Approved April 11, 1883.

RESOLVE PROVIDING FOR THE EXPENSES INCURRED UNDER AN ACT IN RELATION TO THE BOUNDARIES OF CITIES AND TOWNS BORDERING UPON THE SEA.

Chap. 22

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of five hundred dollars, to be expended, by the board of harbor and land commissioners with the approval of the governor and council, for the employment of surveyors, for clerical assistance and other necessary expenses incurred in carrying out the provisions of chapter one hundred and ninety-six of the acts of the year eighteen hundred and eighty-one, entitled "An Act in relation to the boundaries of cities and towns bordering upon the sea."

Allowance for expenses under act in relation to boundaries of cities and towns bordering upon the sea.

Approved April 11, 1883.

RESOLVE IN FAVOR OF MARK PICKERING.

Chap. 23

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Mark Pickering, of Cambridge, an annuity of two hundred and forty dollars for the term of three years from the first day of January in the year eighteen hundred and eighty-three, in equal quarterly instalments.

Mark Pickering.

Approved April 23, 1883.

RESOLVE IN FAVOR OF ELLEN MADIGAN.

Chap. 24

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Ellen Madigan, the sum of one hundred and fifty dollars, as compensation for the loss of her husband, who was killed while in the employ of the Commonwealth; the same to be paid in two annual instalments of seventy-five dollars each.

Ellen Madigan.

Approved April 23, 1883.

RESOLVE IN FAVOR OF TIMOTHY MURPHY.

Chap. 25

Resolved, That during the period of five years from the first day of January in the year eighteen hundred and eighty-three, an annuity of two hundred dollars be allowed and paid to Timothy Murphy, in equal quarterly

Timothy Murphy.

payments, for injuries sustained at the Hoosac Tunnel while in the employ of the Commonwealth. This annuity shall cease in the event of the death of said Timothy Murphy prior to the expiration of said period of five years.

Approved April 23, 1883.

Chap. 26

John William
Robert Sawin.

RESOLVE IN FAVOR OF JOHN WILLIAM ROBERT SAWIN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the guardian and for the benefit of John William Robert Sawin, son of John P. Sawin of Boston, deceased, an annuity of one hundred and fifty dollars, for the term of five years from the first day of January in the year eighteen hundred and eighty-three, payable in equal quarterly instalments.

Approved April 23, 1883.

Chap. 27

Soldiers' home
in Massachu-
setts.

RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the soldiers' home in Massachusetts, incorporated by chapter two hundred and eighteen of the acts of the year eighteen hundred and seventy-seven, the sum of fifteen thousand dollars, the same to be used towards the maintenance of a home for deserving soldiers and sailors.

Approved April 24, 1883.

Chap. 28

New Hampshire
boundary line.

RESOLVES CONCERNING THE BOUNDARY LINE BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF NEW HAMPSHIRE.

Resolved, That the governor with the advice and consent of the council be and hereby is authorized and requested to appoint three suitable persons as commissioners on the part of the Commonwealth of Massachusetts, to meet and act in the manner herein set forth, in conjunction with such commissioners as may be appointed in accordance with this resolve on the part of the State of New Hampshire. The commissioners appointed shall reset and replace where it is necessary the monuments established as indicating the boundary line between the Commonwealth of Massachusetts and the State of New Hampshire, in accordance with the report of the commissioners of the Commonwealth of Massachusetts made on

the twenty-eighth day of February, eighteen hundred and twenty-seven, shall employ such surveyors as may be deemed proper, and cause to be made a plan of the boundary line, as it exists between said monuments, which shall be filed in the office of the secretary of the Commonwealth, and the line so found shall be the legal boundary line between the Commonwealth of Massachusetts and the State of New Hampshire. And the commissioners are authorized and empowered to incur the necessary expenses for accomplishing the purposes of this resolve. The expense of resetting and replacing said monuments shall be the joint and equal charge of the said Commonwealth of Massachusetts and the State of New Hampshire. The commissioners in behalf of the Commonwealth of Massachusetts shall report their doings under this resolve to the next general court.

Resolved, That the governor and council are hereby authorized to fix and determine the compensation of said commissioners; but the whole amount which shall be expended by or for this Commonwealth for any of the purposes of this resolve shall not exceed the sum of one thousand dollars.

Compensation
of commission-
ers.

Resolved, That his excellency the governor be requested to transmit a copy of this resolve to his excellency the governor of the State of New Hampshire.

Copy of resolve
to governor of
New Hamp-
shire.

Approved April 25, 1883.

RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT
BUREAU.

Chap. 29

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the disabled soldiers' employment bureau, a sum not exceeding eight hundred dollars, the same to be expended under the direction of the adjutant-general. Three hundred dollars of said sum shall be allowed for superintendence of said bureau.

Allowance to
disabled sol-
diers' employ-
ment bureau,
to be expended
under direction
of adjutant-
general.

Approved April 25, 1883.

RESOLVE FOR THE ENCOURAGEMENT OF INDUSTRIAL ART IN THE
COMMON SCHOOLS.

Chap. 30

Resolved, That the board of education be empowered and directed to examine carefully the courses of instruction in industrial drawing, as adopted in the common schools, and to make such recommendations as may be

Industrial art
in the common
schools.

best calculated to establish in the courses taught in said schools a closer conformity to the course of instruction of the normal art school; to the end that the effect of its efforts in the direction of the cultivation and encouragement of industrial art may be more widely and thoroughly diffused in the common schools of the Commonwealth.

[*The foregoing was laid before the Governor on the eighteenth day of April, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap. 31 RESOLVE TO PROVIDE FOR LEASING THE DEACON HOUSE ESTATE IN BOSTON FOR THE USE OF THE NORMAL ART SCHOOL.

Lease of Deacon house estate, may be renewed.

Resolved, That the state board of education be authorized to renew the lease of the Deacon house estate, situated at the corner of Washington and Concord streets in the city of Boston, for a term of three or five years, for the use of the normal art school; the lease to date from the first day of July eighteen hundred and eighty-three, and the annual rental not to exceed three thousand six hundred dollars and taxes.

[*The foregoing was laid before the Governor on the nineteenth day of April, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap. 32 RESOLVE IN FAVOR OF HENRY J. WHITE.

Henry J. White.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Henry J. White, of Haverhill, the sum of one hundred dollars, as a gratuity for services as a musician in the sixth regiment of infantry, Massachusetts volunteers, in eighteen hundred and sixty-one, and for loss of property while in said service; the said Henry J. White having been severely injured while the regiment was passing through Baltimore, Maryland, before being mustered into the United States service.

*Approved April 30, 1883. **

Chap. 33 RESOLVE RELATIVE TO THE ACCOMMODATION OF WOMEN AND CHILDREN IN RAILROAD CARS.

Accommodation of women and children in railroad cars.

Resolved, That the subject of accommodation for women and children in railroad trains, so far as relates to compelling them to ride in smoking-cars, be referred to the board of railroad commissioners, with instructions to

report to the several railroad corporations in the Commonwealth and to the next general court.

Approved May 3, 1883.

RESOLVE GRANTING COUNTY TAXES.

Chap. 34

Resolved, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county, respectively, to be collected and applied according to law :— Barnstable, fourteen thousand dollars; Berkshire, sixty-five thousand dollars, provided that not less than ten thousand dollars thereof be applied to the reduction of the existing debt of said county; Bristol, one hundred and ten thousand five hundred dollars, provided that eight thousand dollars thereof be applied to the reduction of the existing debt of said county; Dukes, seven thousand three hundred dollars, provided that not less than one thousand dollars thereof be applied to the reduction of the existing debt of said county; Essex, two hundred and five thousand dollars, provided that not less than forty-six thousand dollars thereof be applied to the reduction of the existing debt of said county; Franklin, twenty-eight thousand dollars, provided that not less than two thousand dollars thereof be applied to the reduction of the existing debt of said county; Hampden, eighty-one thousand dollars; Hampshire, thirty-eight thousand dollars, provided that not less than one thousand dollars thereof be applied to the reduction of the existing debt of said county; Middlesex, one hundred and fifty thousand dollars, provided that not less than fifteen thousand dollars thereof be applied to the reduction of the existing debt of said county; Norfolk, sixty-five thousand dollars; Plymouth, forty-five thousand dollars; Worcester, one hundred and twelve thousand five hundred dollars, provided that not less than five thousand dollars thereof be applied to the purchase of state reports and statutes for the Worcester county law library.

County taxes granted.

Approved May 3, 1883.

RESOLVES RELATIVE TO THE CLAIM OF THE COMMONWEALTH AGAINST THE UNITED STATES FOR MONEYS EXPENDED FOR COAST DEFENCE.

Chap. 35

Whereas, Under a joint resolution of the thirty-ninth congress, approved July twenty-sixth, eighteen hundred and sixty-six, the president, by and with the advice and

Members of congress requested to use best exertion to procure

payment for dis-
bursements for
coast defence.

consent of the senate, appointed commissioners to "examine into the claim and audit the accounts of the State of Massachusetts for moneys expended for coast defence during the war;" and

Whereas, Said commissioners examined the subject fully, both sides being represented at the hearings by eminent counsel, and reached a unanimous conclusion, and made a full and complete report thereon to the fortieth congress, and reported the amount due to Massachusetts without interest to be two hundred and thirty thousand one hundred dollars and six cents, and it thus became an adjudicated claim; therefore, be it

Resolved, That the members of congress from this Commonwealth be and they are hereby requested to use their best exertion to procure from the general government an appropriation sufficient to pay the amount due the Commonwealth for disbursements for coast defence, made during the late civil war.

Copy to be
transmitted by
the secretary.

Resolved, That a copy of these resolves be transmitted by the secretary of the Commonwealth to each of our senators and representatives in congress.

Approved May 5, 1883.

Chap. 36 RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT WESTFIELD.

State normal
school at West-
field.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve hundred and fifty dollars, for repairing the building and fencing the grounds of the state normal school at Westfield, to be expended under the direction of the board of education, as follows: six hundred and fifty dollars for fencing the grounds, and two hundred dollars for painting said fence; three hundred and fifty dollars for shingling the building, and fifty dollars for painting the dome of said building.

[*The foregoing was laid before the Governor on the second day of May, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap. 37 RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT TEWKSBURY.

State almshouse
at Tewksbury.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-five hundred dollars, as follows, to wit: twenty-one

hundred dollars for paint stock and painting the buildings of the state almshouse at Tewksbury; nine hundred dollars for lumber, nails, and extra repairs; two hundred dollars for the alteration of the gas machine, and three hundred dollars for new fire escapes; the same to be expended under the direction of the trustees of the state almshouse.

[*The foregoing was laid before the Governor on the first day of May, 1883, and after five days it had the "force of a law" as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

RESOLVE IN FAVOR OF THEODORE E. DAVIS.

Chap. 38

Resolved, That the treasurer and receiver-general be and he is hereby directed to pay to Theodore E. Davis, of Washington, in the District of Columbia, for services and expenses in prosecuting and collecting a claim amounting to the sum of eleven thousand seven hundred and fifty-four dollars and thirteen cents, in favor of the Commonwealth against the United States government, the sum of nineteen hundred and sixty-three dollars and twelve cents, the same being fifteen per centum of the amount collected, for services, and two hundred dollars for expenses incurred, said amount to be paid from the sum so collected and now in the treasury of the Commonwealth.

Theodore E. Davis to be paid for prosecuting claim against the United States.

Approved May 14, 1883.

RESOLVE TO PROVIDE FOR THE BETTER PROTECTION OF THE REFORMATORY PRISON FOR WOMEN AGAINST FIRE.

Chap. 39

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding ten thousand dollars, to be expended under the direction of the commissioners of prisons, for the better protection of the reformatory prison for women against fire, as follows: five thousand dollars for tinning the ventilating shafts and flues, making doorways and providing metal covered doors for the same; two thousand five hundred dollars for pipes and sprinklers in the attics; two thousand dollars for water pipes and hydrants; five hundred dollars for water tank and connecting pipes.

Reformatory prison for women.

Approved May 16, 1883.

Chap. 40 RESOLVE IN RELATION TO SIGNALS FOR THE PROTECTION OF HIGHWAYS CROSSING RAILROADS AT GRADE.

Report to next general court concerning signals at highways crossing railroads at grade.

Resolved, That the board of railroad commissioners be instructed to investigate the subject of electric and other signals for the protection of highways crossing railroads at grade, submit the result of their investigations to the railroad corporations of the Commonwealth and report to the next general court.

Approved May 25, 1883.

Chap. 41 RESOLVE TO AUTHORIZE THE GOVERNOR AND COUNCIL TO SELL OR LEASE CERTAIN RIGHTS OF THE COMMONWEALTH IN LANDS IN THE TOWN OF ROWE.

Rights of Commonwealth in lands in Rowe, may be leased or sold.

Resolved, That the governor, with the advice and consent of the council, is hereby authorized to sell or lease so much of the rights of the Commonwealth in any lands, which it may own or have in its possession in the town of Rowe, as in the judgment of the governor and council may be necessary to enable the purchasers or lessees to build and maintain a railroad along and near the bank of the Deerfield River, and to connect with the tracks or road bed of the Troy and Greenfield Railroad and Hoosac Tunnel.

Approved May 25, 1883.

Chap. 42 RESOLVE IN FAVOR OF THE GETTYSBURG BATTLEFIELD MEMORIAL ASSOCIATION.

In favor of the Gettysburg Battlefield Memorial Association.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the Gettysburg battlefield memorial association, incorporated under the laws of Pennsylvania, upon the order of the president thereof, a sum not exceeding five thousand dollars, at such times and in such sums as his excellency the governor may direct; the same to be expended under the direction of the president and directors of said association, for the purchase of additional grounds of special interest upon the battlefield of Gettysburg, for acquiring rights of way as is contemplated by the act incorporating said association, and for preserving and beautifying said battlefield: *provided*, that no part of such sum shall be paid until the governor shall be satisfied that such lands have been purchased and conveyed to said association.

Approved May 29, 1883.

RESOLVE IN FAVOR OF THE STATE PRISON AT CONCORD.

Chap. 43

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-eight thousand dollars, to be expended under the direction of the commissioners of prisons, at the state prison at Concord, for the following purposes, to wit: twenty thousand dollars for the construction of six double tenement dwelling-houses, to be rented to the officers of said prison; three thousand dollars for the construction of coal-sheds; and five thousand dollars for repairs and alterations in prison cells and buildings.

State prison at Concord.

Approved May 29, 1883.

RESOLVE IN FAVOR OF THE TOWN OF NORTH BROOKFIELD.

Chap. 44

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of North Brookfield, the sum of three hundred and fourteen dollars and sixty-five cents, said sum having been paid by said town for the support of Mary Finn, a state pauper at the Worcester lunatic hospital.

Town of North Brookfield.

Approved May 29, 1883.

RESOLVE PROVIDING FOR THE APPOINTMENT OF AN AGENT TO PROSECUTE CERTAIN CLAIMS OF THE COMMONWEALTH AGAINST THE UNITED STATES.

Chap. 45

Resolved, That the governor, by and with the advice and consent of the council, is hereby authorized from time to time to appoint some suitable person to examine and prosecute before any of the executive departments of the United States government, any specified account or claim of the Commonwealth against the United States, excepting any claim for reimbursement of interest paid by the state on its war loans; and in case any amount is received into the treasury of the Commonwealth by reason of the services rendered by the person so appointed such person may be paid in full compensation for services and expenses such sum, not exceeding ten per centum of the amount so received, as may be agreed upon in advance between the governor and council and the person so employed.

Agent to be appointed to prosecute claim against the United States.

Approved May 29, 1883.

RESOLVES IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 46

Resolved, That there shall be paid annually, for the term of four years, from the treasury of the Commonwealth to the treasurer of the Massachusetts agricultural college at

In favor of the Massachusetts Agricultural College.

Amherst, the sum of ten thousand dollars, to enable the trustees of said college to provide for the students of said institution the theoretical and practical education required by its charter and the law of the United States relating thereto.

Eighty free
scholarships
established.

Resolved, That annually for the term of four years, eighty free scholarships be and hereby are established at the Massachusetts agricultural college, the same to be given by appointment to persons in this Commonwealth, after a competitive examination, under rules prescribed by the president of the college, at such time and place as the senator then in office from each district shall designate; and the said scholarships shall be assigned equally to each senatorial district; but if there shall be less than two successful applicants for scholarships from any senatorial district such scholarships may be distributed by the president of the college equally among the other districts, as nearly as possible; but no applicant shall be entitled to a scholarship unless he shall pass an examination in accordance with the rules to be established as hereinbefore provided.

Approved June 2, 1883.

Chap. 47 RESOLVE AUTHORIZING THE GOVERNOR AND COUNCIL TO TRANSFER CERTAIN ARTICLES OF FURNITURE TO THE CITY OF BOSTON.

Certain articles
of old furniture
to be transferred
to the city of
Boston.

Resolved, That the governor and council be and they are hereby authorized to transfer to the city of Boston any old furniture or other articles used in or indented with the old state house.

Approved June 2, 1883.

Chap. 48 RESOLVE FOR OBTAINING A RELEASE TO THE COMMONWEALTH BY THE TROY AND GREENFIELD RAILROAD COMPANY OF ITS CLAIM UPON THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

To obtain re-
lease to Com-
monwealth by
Troy & Green-
field Railroad
Company of its
claim upon
Troy & Green-
field Railroad
and Hoosac
Tunnel.

Resolved, That his excellency the governor is hereby authorized and requested, with the consent of the council, to conclude a contract between the corporation established as the Troy and Greenfield Railroad Company by which the entire right and interest which said corporation may have or claim in or to the property known as the Troy and Greenfield Railroad and Hoosac Tunnel, including the Southern Vermont Railroad and the franchises to operate such property, shall be released to the Commonwealth either for such a sum of money as may seem reasonable to the governor and council, or in exchange

for the obligation and undertaking of the Commonwealth to pay over and transfer to said corporation a proportionate part of the proceeds thereafter received from the sale, transfer or use of said tunnel and railroad properties and franchises if it can be done upon reasonable terms, to the satisfaction of the governor and council. This resolve shall not in any way be taken as such an admission of the authority of said railroad company to exercise chartered rights as to impair the effect of any writ of *quo warranto* or other similar proceeding in relation thereto.

Approved June 9, 1883.

RESOLVE PROVIDING FOR THE PRINTING OF EXTRA COPIES OF THE THIRTIETH ANNUAL REPORT OF THE SECRETARY OF THE MASSACHUSETTS BOARD OF AGRICULTURE.

Chap. 49

Resolved, That there be printed three thousand additional copies of the "Thirtieth annual report of the secretary of the Massachusetts board of agriculture," for the use of members of the legislature, to be distributed as follows: ten copies to each member of the legislature, and the residue under the direction of the clerks of the two branches.

Additional number of reports to be printed.

Approved June 16, 1883.

RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT FRAMINGHAM.

Chap. 50

Resolved, That there be allowed and paid from the treasury of the Commonwealth a sum not exceeding two thousand dollars, for the purpose of perfecting a system of drainage at the Framingham normal school, and for other necessary repairs; the same to be expended under the direction of the board of education.

State normal school at Framingham.

Approved June 16, 1883.

RESOLVE PROVIDING FOR THE PRINTING OF ONE HUNDRED ADDITIONAL COPIES OF VOLUME TWO OF THE PROVINCIAL LAWS.

Chap. 51

Resolved, That the commissioners on provincial laws are hereby authorized to print one hundred additional copies of volume two of the provincial laws, at an expense not exceeding two hundred and fifty dollars.

Additional copies of volume two of the provincial laws.

Approved June 16, 1883.

RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT DANVERS.

Chap. 52

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the state lunatic hospital at Danvers, the sum of ten thousand

State lunatic hospital at Danvers.

dollars, for the current expenses of said hospital during the year eighteen hundred and eighty-three.

Approved June 16, 1883.

Chap. 53 RESOLVE IN FAVOR OF JOHN M. GALVIN, FOR WORK DONE ON THE HOOSAC TUNNEL.

John M. Galvin.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to John M. Galvin the sum of four thousand eight hundred and thirty-six and fifty one-hundredths dollars, for loss sustained by him under a contract with the Commonwealth for work done in the Hoosac Tunnel.

Approved June 23, 1883.

Chap. 54 RESOLVES TO PROVIDE FOR THE RECEPTION AND ENTERTAINMENT OF DISTINGUISHED GUESTS.

Entertainment of distinguished guests, attending exhibition, etc.

Resolved, That a sum not exceeding three thousand dollars be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the governor and council, for the proper reception and entertainment of distinguished guests who may attend the exhibition of the New England manufacturers' and mechanics' institute to be opened in the city of Boston on the first Wednesday in September next.

Resolved, That a sum not exceeding three thousand dollars be also allowed and paid out of the treasury of the Commonwealth to be expended under the direction of the joint committee already appointed under a resolve passed the present session, for the reception and entertainment of distinguished guests who shall attend the American exhibition of foreign products, arts and manufactures.

[*The foregoing was laid before the Governor on the thirteenth day of June, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.*]

Chap. 55 RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS IN THE STATE HOUSE.

Repairs and improvements in state house.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding nine thousand five hundred and fifty dollars, for repairs, improvements and furniture, in the state house, to be expended under the direction of the sergeant-at-arms and the commissioners on the state house.

Approved June 28, 1883.

RESOLVE GRANTING TO PATTY VOSE CERTAIN LANDS IN SHERBORN.

Chap. 56

Resolved, That this Commonwealth hereby grants to Patty Vose, of Framingham, all its right, title and interest in certain tracts of land situated in Sherborn, of which George W. Howard, late of said Sherborn, died seized and possessed, and which for want of heirs would escheat to the Commonwealth.

Grant of land to Patty Vose.

Approved June 28, 1883.

RESOLVE IN FAVOR OF THE WIDOW OF RICHMAN H. POTTER.

Chap. 57

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the widow of Richman H. Potter, late a member of the house of representatives, the amount of salary and mileage to which he would have been entitled had he lived to the close of the present session.

In favor of widow of Richman H. Potter.

Approved June 28, 1883.

RESOLVE IN ADDITION TO THE RESOLVE FOR THE ENCOURAGEMENT OF THE AMERICAN EXHIBITION OF FOREIGN PRODUCTIONS, ARTS AND MANUFACTURES.

Chap. 58

Resolved, That the president of the senate and speaker of the house of representatives be joined to the special committee, appointed under a resolve passed the present year, to coöperate with the general managers of the American exhibition of foreign productions, arts and manufactures, in such manner as shall best subserve the interests and contribute to the success of said exhibition.

Committee to co-operate with general managers of exhibition.

Approved June 28, 1883.

RESOLVE PROVIDING FOR PRINTING EXTRA COPIES OF THE BLUE BOOK FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY-THREE.

Chap. 59

Resolved, That there be printed, for the use of the members of the present legislature, fifteen hundred additional copies of the "blue book" for the year eighteen hundred and eighty-three, to be distributed as follows: five copies to each member of the legislature, and the residue under the direction of the clerks of the two branches.

Extra copies of "Blue Book" for 1883, to be printed.

[The foregoing was laid before the Governor on the twenty-third day of June, 1883, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections within that time.]

RESOLVE IN FAVOR OF THE STATE PRISON AT CONCORD.

Chap. 60

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three

Dwelling-houses at state prison.

thousand dollars, for the construction of double-tenement dwelling-houses at the state prison at Concord, as authorized by chapter forty-three of the resolves of the present year; said amount being in addition to the amount authorized by said resolve, to be expended under the direction of the commissioners of prisons.

Approved July 20, 1883.

Chap. 61 RESOLVE TO PROVIDE FOR THE RE-BUILDING OF THE STATE WORKHOUSE AT BRIDGEWATER.

State work-house to be rebuilt at Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding fifty thousand dollars, for the purpose of erecting such buildings at Bridgewater as may be necessary in place of the state workhouse destroyed by fire on the seventh day of July in the year eighteen hundred and eighty-three. And also a sum not exceeding ten thousand dollars for furnishing the buildings when so erected: *provided, however*, that the governor and council shall judge the erection of such buildings during the current year to be necessary or expedient. All buildings erected shall be built substantially in accordance with plans submitted by the joint special committee on the state workhouse at Bridgewater; and they shall be contracted for, erected and furnished by, and said sums shall be expended under the direction of, the trustees and superintendent of said workhouse, and the plans and specifications for such buildings shall be approved by the governor and council previous to the making of a contract for the erection of the same.

Approved July 27, 1883.

Chap. 62 RESOLVE IN FAVOR OF THE CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Clerks of senate and house of representatives.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the clerk of the senate five hundred dollars, and to the clerk of the house of representatives five hundred dollars, the same being in addition to the salaries of those officers for the year eighteen hundred and eighty-three.

[*This Resolve, returned by the Governor to the Senate in which it originated, with his objections thereto, was passed in concurrence by the Senate and House of Representatives, the objections of the Governor notwithstanding, on the 27th day of July, 1883, in the manner prescribed by the Constitution, and thereby had the "force of a law."*]

PROPOSED AMENDMENT TO THE CONSTITUTION.

The following proposed Article of Amendment to the Constitution of this Commonwealth has been officially certified and deposited in the Secretary's Department, as required by chapter 2, sect. 32 of the Public Statutes, and if agreed to by the General Court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection:—

Article of amendment to the constitution, proposed.

RESOLVE PROVIDING FOR BI-ENNIAL ELECTIONS, AND FOR BI-ENNIAL
SESSIONS OF THE GENERAL COURT.

Resolved, By both houses, That it is expedient to alter the Constitution of this Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the Senators and two-thirds of the members of the House of Representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and referred to the General Court next to be chosen; and that the said article be published, to the end that if agreed to in the manner provided by the Constitution, by the General Court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

ARTICLE OF AMENDMENT.

Senators and Representatives shall hold their respective offices for terms of two years, beginning with the first Wednesday in the January succeeding their election and continuing until the day appointed for the assembling of the next succeeding General Court.

Terms of offices

The Governor, Lieutenant-Governor, and Councillors shall hold their respective offices for two years next following the first Wednesday in the January succeeding

their election, and until others are chosen and qualified in their stead.

The Secretary, Treasurer and Receiver-General, Auditor, and Attorney-General shall hold their respective offices for two years, beginning with the third Wednesday in the January succeeding their election, and until others are chosen and qualified in their stead.

A person shall be eligible as Treasurer and Receiver-General for three successive terms, and no more.

Biennial elections.

The first election to which this article shall apply shall be that held on the Tuesday next after the first Monday in November in the year eighteen hundred and eighty-four, and thereafter elections for the choice of all the officers before mentioned shall be held bi-ennially on the Tuesday next after the first Monday in November.

Bi-ennial sessions of the General Court.

The General Court first chosen under the provisions of this article shall assemble on the first Wednesday in January in the year eighteen hundred and eighty-five, and thereafter the General Court shall assemble bi-ennially on the first Wednesday in January; and each General Court shall, without any proclamation or other act of the Governor, be dissolved on the day next preceding the day so appointed for the assembling of the next succeeding General Court; but nothing herein contained shall prevent the General Court from assembling at such other times as it shall adjudge necessary, or at any times when it shall be called together by the Governor.

Extra sessions.

All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.

HOUSE OF REPRESENTATIVES, March 28, 1883.

The foregoing Article of Amendment is agreed to, two-thirds of the members of the House of Representatives present and voting thereon, having voted in the affirmative; and the same is referred to the General Court next to be chosen.

GEO. A. MARDEN, *Speaker*.

SENATE, April 4, 1883.

The foregoing Article of Amendment is agreed to, a majority of the Senators present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the General Court next to be chosen.

GEORGE G. CROCKER, *President*.

RESOLUTIONS.

RESOLUTION RELATIVE TO THE TERMINATION OF CERTAIN ARTICLES OF THE TREATY OF WASHINGTON.

Resolved, That justice to the fishermen and the fishing interests of the country, which interests previous to the passage of the treaty of eighteen hundred and seventy-three were under the fostering care of the government, demand that articles eighteen to twenty-one, inclusive, of the treaty concluded between the United States and the government of Great Britain, on the eighth day of May, eighteen hundred and seventy-three, should be terminated at the earliest possible period.

Termination of
treaty recom-
mended.

Resolved, That a copy herewith be transmitted to each of our senators and representatives in congress.

In House of Representatives, adopted Feb. 5, 1883.

In Senate, adopted in concurrence, Feb. 9, 1883.

RESOLUTION RELATIVE TO THE FRENCH SPOILIATION CLAIMS.

Resolved, That the senators and representatives of Massachusetts, in the United States congress, are requested to use their best endeavors to secure the passage of the Senate French Spoliation Claims bill during the present session of congress.

French claims.

In House of Representatives, adopted Feb. 21, 1883.

In Senate, adopted in concurrence, Feb. 28, 1883.

RESOLUTION CONCERNING THE EMPLOYMENT OF CONVICT LABOR UPON THE WORKS OR PROPERTY OF THE UNITED STATES.

Resolved, That the senators and representatives of Massachusetts, in the congress of the United States, are requested to use their best efforts to secure the passage of a law to prohibit the employment of convicts, or persons restrained of their liberty, upon works or property of the United States.

Employment of
convict labor
upon works of
U. S.

In House of Representatives, adopted Feb. 26, 1883.

In Senate, adopted in concurrence, March 1, 1883.

RESOLUTION RELATING TO THE RESOLUTIONS OF THE FORTY-SECOND
CONGRESS CENSURING THE HON. OAKES AMES.

Gratitude for
the services and
faith in the in-
tegrity of Oakes
Ames.

Resolved, In view of the great services of Oakes Ames, representative from the Massachusetts Second Congressional District for ten years ending March 4, 1873, in achieving the construction of the Union Pacific Railroad, the most vital contribution to the integrity and growth of the national Union since the war ;

In view of his unflinching truthfulness and honesty, which refused to suppress, in his own or any other interest, any fact, and so made him the victim of an intense and misdirected public excitement and subjected him to a vote of censure by the Forty-Second Congress at the close of its session ;

And in view of the later deliberate public sentiment, which, upon a review of all the facts, holds him in an esteem irreconcilable with his condemnation, and which throughout the whole country recognizes the value and patriotism of his achievement and his innocence of corrupt motive or conduct :

Therefore, the legislature of Massachusetts hereby expresses its gratitude for his work and its faith in his integrity of purpose and character, and asks for like recognition thereof on the part of the national congress.

In Senate, adopted April 23, 1883.

In House of Representatives, adopted in concurrence May 7, 1883.

The General Court of 1883, during its annual session, passed two hundred and thirty-five Acts and fifty-three Resolves, which received the approval of His Excellency the Governor, and four Acts which received the approval of His Honor the Lieutenant-Governor. In addition to these, the following Acts and Resolves were laid before the Governor which failed to receive his approval ; but as they were not returned by him with his objections within five days after receiving the same, and the legislature did not adjourn in the meantime, said Acts and Resolves had force of law under the provisions of the Constitution, and have been so certified : —

- An Act making appropriations for certain educational expenses.
(Ch. 9.)
- An Act making appropriations for sundry charitable expenses.
(Ch. 22.)
- An Act relating to the printing and distribution of the Legislative Manual. (Ch. 55.)

- An Act to confirm certain agreements and leases made between the Cambridge Railroad Company, the Union Railway Company, the Middlesex Railroad Company and the Somerville Horse Railroad Company. (Ch. 56.)
- An Act to establish the salary of the Clerk of the First District Court of Plymouth. (Ch. 57.)
- An Act to authorize the union of the Eastern Junction, Broad Sound Pier and Point Shirley Railroad Company, the Boston, Winthrop and Point Shirley Railroad Company and the Boston and Winthrop Railroad Company. (Ch. 58.)
- An Act relating to applications for, and the granting of, licenses to sell intoxicating liquors. (Ch. 93.)
- An Act relative to the trial of juvenile offenders. (Ch. 110.)
- An Act to establish the salary of the Justice of the Municipal Court of the West Roxbury district of the city of Boston. (Ch. 111.)
- An Act to provide for the punishment of persons present at games or sports in common gaming-houses. (Ch. 120.)
- An Act to extend the time for the transfer of land on the Back Bay in Boston, for the use of the State Normal Art School. (Ch. 128.)
- An Act to authorize the Worcester & Nashua Railroad Company to unite with the Nashua & Rochester Railroad. (Ch. 129.)
- An Act to change the name of the Quannapowitt Water Company, and to authorize said corporation to issue bonds and to secure the same by mortgage. (Ch. 139.)
- An Act to incorporate the Farmers' and Mechanics' Savings Bank of South Framingham. (Ch. 150.)
- An Act making appropriations for the completion of the double tracking of the Troy & Greenfield Railroad and Hoosac Tunnel. (Ch. 170.)
- An Act to incorporate the Palmer Water Company. (Ch. 171.)
- An Act to incorporate the Sharon Water Company. (Ch. 177.)
- An Act authorizing the Walter Heywood Chair Company to hold certain real estate in the city of New York. (Ch. 194.)
- An Act authorizing the American Bell Telephone Company to hold stock in certain corporations. (Ch. 200.)
- An Act relative to the election of assessors and overseers of the poor in towns. (Ch. 203.)
- An Act making appropriations for salaries and expenses at the State Workhouse at Bridgewater. (Ch. 207.)
- An Act making an appropriation for the contingent expenses of the Commissioners of Prisons. (Ch. 208.)
- An Act making an appropriation for the travelling expenses of the Commissioners of Prisons and the Secretary thereof. (Ch. 209.)
- An Act making appropriations for salaries and expenses at the State Industrial School at Lancaster. (Ch. 210.)
- An Act making appropriations for salaries and expenses at the State Reform School at Westborough. (Ch. 211.)
- An Act making an appropriation for the expenses of the trustees of the State Primary and Reform Schools. (Ch. 212.)

- An Act making appropriations for the assistance of female convicts discharged from the prisons of this Commonwealth. (Ch. 213.)
- An Act making appropriations for salaries and expenses at the State Primary School at Monson. (Ch. 214.)
- An Act making appropriations for the assistance of convicts discharged from the State Prison at Concord. (Ch. 215.)
- An Act to allow the International Trust Company to accept trusts under wills and for other purposes. (Ch. 222.)
- An Act granting jurisdiction in equity to the Superior Court. (Ch. 223.)
- An Act relating to the employment of children in manufacturing and other establishments. (Ch. 224.)
- An Act to prevent the use of unlawful measures. (Ch. 225.)
- An Act making appropriations for salaries and expenses at the State Almshouse at Tewksbury. (Ch. 226.)
- An Act authorizing the Bay State Telephone Company to increase its capital stock. (Ch. 238.)
- An Act concerning the Massachusetts School for Idiotic and Feeble-minded Youth. (Ch. 239.)
- An Act to authorize the town of Hopkinton to purchase first-mortgage bonds of the Hopkinton Railroad Company and to raise money for that purpose. (Ch. 240.)
- An Act to enable Fire District No. 1 of Greenfield to increase its water supply. (Ch. 247.)
- An Act in addition to an Act of the present year to extend the time within which savings banks and institutions for savings may sell certain real estate now held by them. (Ch. 248.)
- An Act in addition to "An Act making appropriations for expenses authorized the present year, and for other purposes." (Ch. 271.)
- Resolve in relation to Loan and Trust companies. (Ch. 14.)
- Resolve for covering into the treasury the amounts standing to the credit of the accounts of dividends of insolvent insurance companies and dividends of insolvent savings banks. (Ch. 19.)
- Resolve for the encouragement of industrial art in the common schools. (Ch. 30.)
- Resolve to provide for leasing the Deacon House estate in Boston for the use of the Normal Art School. (Ch. 31.)
- Resolve in favor of the State Normal School at Westfield. (Ch. 36.)
- Resolve in favor of the State Almshouse at Tewksbury. (Ch. 37.)
- Resolves to provide for the reception and entertainment of distinguished guests. (Ch. 54.)
- Resolve providing for printing extra copies of the Blue Book for the year eighteen hundred and eighty-three. (Ch. 59.)

The following Acts and Resolves, passed by the General Court, were laid before the Governor for his approval, and returned by him to the branch in which they respectively originated, with his objections thereto; were reconsidered, agreeably to the provisions of the Constitution, and the vote being taken on passing the same, the

objections of the Governor to the contrary notwithstanding, they were rejected, two-thirds of the members present and voting thereon not having voted in the affirmative.

An Act to incorporate the Union Safe Deposit Vaults.

An Act making appropriations for expenses of the various charitable and reformatory institutions, and for other purposes.

An Act allowing the Somerville Wharf and Improvement Company further time to organize.

An Act to enlarge the jurisdiction of notaries public.

An Act to extend the charter of the Ocean Terminal Railroad, Dock and Elevator Company, and to revive, confirm and extend the charter of the Ocean Terminal Railroad Company.

An Act concerning the election of aldermen in the city of Boston.

An Act to authorize the county commissioners of Plymouth County to enlarge and remodel the House of Correction at Plymouth.

An Act to incorporate the Newton Associates.

An Act to incorporate the Brockton Real Estate and Improvement Company.

An Act to authorize cities, towns, fire districts, water and aqueduct companies, to hold water for sale, and to sell the same to other cities, towns, fire districts and individuals.

An Act to apportion and assess a state tax of two million dollars.

Resolve in favor of Walter Shanly.

A Resolve in favor of the Clerks of the Senate and House of Representatives, returned by the governor to the Senate with his objections thereto, was passed in concurrence by the Senate and House of Representatives, the objections of the Governor notwithstanding, on the twenty-seventh day of July, in the manner prescribed by the Constitution, and thereby had the force of a law.

An Act making an appropriation for additional compensation for the Clerks of the two branches of the Legislature, and a Resolve in favor of the Sergeant-at-Arms, laid before the Governor on the 27th of July, were not approved by him, and did not acquire force of law, as the Legislature adjourned within five days thereafter.

The General Court was prorogued on Friday, July 27, the session having occupied two hundred and six days.

INAUGURAL ADDRESS.

OF

HIS EXCELLENCY BENJAMIN F. BUTLER.

At one o'clock on Thursday, the fourth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two houses, met the Senate and House of Representatives, in Convention, and delivered the following

ADDRESS.

*Gentlemen of the Senate
and of the House of Representatives.*

In accordance with a uniform usage, begun in the earliest times and now sanctioned by law, the "Supreme Executive Magistrate" of the Commonwealth is permitted at this time and place to address to the two bodies of the legislature such suggestions, views and recommendations as he may be advised to do, for their consideration and action.

It has also been usual in so doing to present at first a statement of the financial condition of the Commonwealth and of the several public funds appearing upon the books of its Treasurer and Receiver-General.

As the incoming Executive can have no other and different knowledge than is furnished by that officer upon these topics, I content myself by giving you a statement furnished by him as follows : —

TABLE 1.

STATEMENT OF LIABILITIES.

MASSACHUSETTS BONDS OUTSTANDING DECEMBER 19, 1882.

Dollar Bonds.

Bounty Fund Loan,	\$4,579,500 00
Coast Defence Loan,	888,000 00
Danvers Lunatic Hospital Loan,	1,500,000 00
Harbor Improvement Loan,	300,000 00
Troy and Greenfield Railroad Loans,	3,536,500 00
Worcester Lunatic Hospital Loan,	1,100,000 00
Total dollars,	<u>\$11,904,000 00</u>

Sterling Bonds.

Boston, Hartford, and Erie Railroad Loan,	£743,600 = \$3,618,729 40
Bounty Fund Loan,	826,600 = 4,022,648 90
State Prisons Loan,	267,000 = 1,299,355 50
Troy and Greenfield R. R. Loans,	2,190,800 = 10,661,528 20
War Loan,	206,600 = 1,005,418 90
Total sterling,	<u>£4,234,600 = \$20,607,680 90</u>
Total debt, reduced to dollars,	\$32,511,680 90

TABLE 2.—STATEMENT OF FUNDS.
Memorandum Statement of Sinking and Trust Funds as at Close of Business, December 19, 1882.

TITLE OF FUND.	Cash.	State Securities.	County, City and Town Securities.	Notes for Back Pay Lands.	Railroad Bonds.	N.Y. & N.E. Railroad Agreement.	Mortgage Notes.	Total Funds.
<i>Sinking Funds.</i>								
Boston, Hartford & Erie R. R. Loan Sinking Fund,	\$102,397 92	\$301,284 40	\$918,352 65	—	\$1,737,000 00	—	—	\$3,059,034 97
Bounty Fund Loan Sinking Fund,	925,811 22	924,713 40	2,652,084 45	—	1,033,000 00	—	—	5,535,009 07
Coast Defense Loan Sinking Fund,	4,969 17	282,000 00	580,700 00	—	—	—	—	867,669 17
Prisons and Hospital Loans Sinking Fund,	363,013 19	254,997 50	237,300 00	—	—	—	\$2,062 50	857,373 19
Troy & Greenfield R. R. Loan Sinking Fund,	520,904 38	2,013,035 50	1,924,900 00	\$207,426 26	—	\$886,532 00	—	5,612,798 14
War Loan Sinking Fund,	19,821 00	60,111 60	106,067 40	—	754,000 00	—	—	1,000,000 00
	\$1,936,916 88	\$3,836,142 40	\$6,479,404 50	\$207,426 26	\$3,524,000 00	\$886,532 00	\$2,062 50	\$16,932,484 54
<i>Trust Funds.</i>								
Commonwealth's Flax Improvement Fund,	\$144,366 45	—	\$150,000 00	—	—	—	—	\$294,366 45
Commissioners of Public Lands Funds, *	75,130 69	—	—	—	—	—	—	75,130 69
Massachusetts School Fund,	213,020 26	\$9,600 00	636,634 00	—	\$1,852,000 00	—	—	2,711,263 26
Rogers Book Fund,	—	1,000 00	—	—	—	—	—	1,000 00
Technical Education Fund, * United States Grant,	—	—	—	—	219,000 00	—	—	219,000 00
Technical Education Fund, * Commonwealth's Grant,	106,575 35	—	35,000 00	—	—	—	—	141,575 35
Todd Normal School Fund,	1,850 00	—	10,250 00	—	—	—	—	12,100 00
Harbor Compensation Fund,	49,630 92	—	100,000 00	—	—	—	—	149,630 92
	\$590,582 07	\$10,600 00	\$931,884 00	—	\$2,071,000 00	—	—	\$3,004,066 07
RECAPITULATION.								
<i>Sinking Funds,</i> *	\$1,936,916 88	\$3,836,142 40	\$6,479,404 50	\$207,426 26	\$3,524,000 00	\$886,532 00	\$2,062 50	\$16,932,484 54
<i>Trust Funds,</i>	590,582 07	10,600 00	931,884 00	—	2,071,000 00	—	—	3,004,066 07
Totals,	\$2,527,498 95	\$3,846,742 40†	\$7,411,288 50	\$207,426 26	\$5,595,000 00	\$886,532 00	\$2,062 50	\$20,336,550 61

* This Fund was, last year, among the Sinking Funds, and is so treated in the Table of "General Results." Table 3.
† amount, \$3,355,342.40 is Massachusetts Bonds.

TABLE 3.

GENERAL RESULTS OF SINKING AND TRUST FUNDS.

Total Funds December 19, 1882,	\$20,536,550 61
Total Funds December 31, 1881,	17,110,963 94
Gain,	<u>\$3,425,586 67</u>
Of this there is due to Exchange of Stock for Bonds of Railroads:—	
New York and New England, \$1,737,000 00	
Boston and Albany, 829,054 09	
Due to land sales, &c., 59,576 90	
	<u>2,625,630 99</u>
Gain from investments,	<u>\$799,955 68</u>
Of the gain above, there belongs,—	
To Sinking Funds,	\$2,927,048 83
To Trust Funds,	498,537 84
	<u>\$3,425,586 67</u>
The gain in the Trust Funds is wholly from the Boston and Albany Railroad exchange.	
The gain from investments is confined to the Sinking Funds, as the income of the Trust Funds is applied to the purposes of the trusts, and does not enter into these statements.	
The gain in Sinking Funds is,	\$2,927,048 83
Due to exchange of Railroad Securities, Land Sales, &c.,	<u>2,127,093 15</u>
Gain from investments,	<u>\$799,955 68</u>
Amount of Sinking Funds January 1, 1882,	\$14,080,465 80
Approximate rate of income from investments,	05½

I may in a special communication hereafter call to the attention of the legislature such matters relating thereto, as more full and accurate examination may make advisable.

There is another matter intimately connected with the financial condition of the Commonwealth concerning which it would seem convenient that the same course should be taken.

The expenditures upon the Hoosac Tunnel and the Troy & Greenfield Railroad, which apparently are more than equal to two-thirds of the public debt; the financial condition of these state concerns, their management, and what ought to be the course of legislation and executive

administration in regard to them will, therefore, hereafter be made the subject of a special message.

In passing this topic it is permissible to say that after an investment costing the State more than \$22,078,689.21 in a commercial and trading enterprise, which in its inception and prosecution was promised to be of great advantage to the State, it now appears that the Railroad and Tunnel find themselves to be in such condition as not to be self-supporting even, but leaving in the past year a small deficit to be provided for by taxation for expenses only.

FREE AND EQUAL SUFFRAGE.

There is one subject which is of so great importance to the people of the Commonwealth and to the best interests of the country, that I crave your patience if I present my views upon it at some length :

Free and equal suffrage to all who by the qualification of naturalization and the constitutional one of education, have the right to take part in the government of their State and country.

To this right and immunity of citizens of the United States, there should be no legal hindrance and specially the pre-requisite of paying a capitation tax.

I believe in such a tax as a duty of the citizen, but not as a qualification to his suffrage. Every man ought to pay, according to his ability, his just share of the burden of maintaining the government which protects himself, his family and his property, and which affords the means of education to his children. But the penalty for non-payment should not be disfranchisement and loss of citizenship; that is too severe, and in all civilized countries is only attached to the highest crimes. But above all, it should not be imposed when such tax has not been assessed upon him so that he can pay it, as is now the law of our State.

It is the duty of every man to attend and take part in every election, and by his vote to give his assent to the laws which may be passed by his chosen representative; for all governments derive their "just powers from the assent of the governed."

This duty of a freeman was enforced by our fathers in the earliest Colony time. In 1660, towns in Massachusetts passed and enforced the following by-law : —

"It is likewise ordered that if any man who is warned to any town meeting be not there when he is called, he shall be liable to pay 6d. If he come not at all 13d. Nor shall any depart without leave upon the like penalty."

How different are the provisions of law now by which the State practically offers a bounty of from one to two dollars to any citizen who will stay away from town meeting!

By an act of legislation, now, all the state and county taxes are assessed upon the polls under a limitation by law as to the amount. In my judgment "the poll-tax" as it is commonly called, should be assessed by the cities and towns for their proper benefit only, and not as a state and county tax. Under our laws, there is a direct interest in the towns not to assess the poll-tax, for three years in any five lest the payer should obtain by payment a settlement therein, *i. e.*, a right to be supported by the town; a poll-tax being for the State, the town would directly receive nothing from such taxation. This inducement is now much stronger, as an alien may thus obtain such settlement who would otherwise be a state pauper. I therefore recommend a change in the law of assessment of the poll-tax, which is undoubtedly within the competency of the legislature, that the poll-tax should be assessed as part of the city or town tax for their use only. That would induce the towns to use diligence in assessing, and their collectors in collecting the poll-tax, which, going to the town, would be the contribution of the poll-tax payer towards the education of his children, and in so far an equivalent for his settlement.

I would further recommend that this tax should be assessed as now on the first day of May, and a separate warrant for its collection be issued to the collector as early as the thirtieth day of May, and that by law the collector should be required to make a return of such warrant by the fifteenth day of August; stating in his return what efforts he has made to collect each separate tax, if uncollected; and the reasons, if any, why not collected; and that he has exhausted all legal means for such collection.

By this course the tax would be paid during the summer season when the laboring man could pay it with the least difficulty, instead of the fall or winter months when labor is less remunerative and the expenses for fuel and clothing for the family much more pressing.

Such change of time of collecting the tax would relieve our elections, and our State from a practice which has obtained of late, of committees of the respective political parties paying the poll-tax for voters, in order to have the voter registered, who it is supposed will vote with those who pay his tax.

No more vicious practice could possibly exist. It debauches the voters, debases the payer, corrupts political action, and is certain to be the initial to other and further corruptions in elections.

Beside, it dwarfs and belittles the right of suffrage.

Is there not some justification for the committee man to say, "If the State bribes the voter with one dollar not to do his duty as a citizen, may I not give him the same sum to do his duty?" If the State puts that great franchise up for sale at a dollar, is there not some excuse for the voter when he has bought his vote of the State for a dollar, to sell it at two dollars?

I can have but little doubt that all men, of whatever class of political thought, will agree with me as to the propriety of the changes I have indicated in the law requiring the assessment and collection of the poll-tax.

It will be seen at once that by such a mode of assessing and collecting the poll-tax, if the law stops here, every poll-tax payer would be disfranchised, because the third article of the amendments to the Constitution makes the payment of a state and county tax within two years a prerequisite qualification for voting, except as therein provided. Therefore the legislature must go farther, and, under the provisions of the same article of the Constitution, "exempt by law such citizens as are assessed a poll-tax only by towns and cities, from any state or county taxation." Being so exempt by law, such citizens would be within the exemption of the same article of the amendments, which is in these words:—

"And also every citizen, who shall be by law exempted from taxation, who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives."

It is quite true that some vague opinions have obtained without investigation of the subject: that under our Constitution a state or county tax must be paid to enable the citizen to vote; and so it must be, unless the citizen is

exempted by law from paying such tax. But it seems to me to be quite clear as a proposition of constitutional law, that if the poll-tax payer is exempted by law from taxation, — *i. e.*, state and county taxation being the only taxation mentioned in that article, or elsewhere in the Constitution, — he being otherwise qualified, such citizen has by the very terms of the Constitution a right to vote.

We might come to that happy condition when from licenses and other indirect taxation, our state and county expenses being paid, we should not require to levy either a state or county tax upon the citizen or his property. This is already done in part. In such case would any one claim that where no tax was levied at all, there were no voters in Massachusetts, all being disfranchised under the first clause of Article III.?

Suppose the legislature should enact that no state or county taxes should be levied in a given year, as it may do, and I hope with due economy in state and county expenditures at some time will do, would such a law operate as a *disfranchisement of all our voters, or an exemption of our citizens from taxation?*

I am most fully persuaded that all patriotic men will agree with me in the desirability, at as early a day as possible, of establishing free suffrage to all citizens, with proper guards against frauds in its exercise, in Massachusetts, which makes its free institutions its proudest boast, if it can be done without violation of any inhibition of the Constitution.

If there should be doubt as to the constitutionality of the proposition I have made, this much desired end can be obtained by another legal method which has been twice decided by the supreme court of the State to be constitutional.

At the time of the enactment of the third article of the Constitution in regard to suffrage, it had been the habit of our fathers in the annual tax-act, which was then the method of authorizing the assessment of taxes, to exempt by law from taxation, classes of persons such as ministers of the gospel, instructors in public seminaries, and the like persons to whom such exemptions had been granted by law, “as one mode of making up their compensation for services.”

Let, therefore, a nominal poll-tax for state purposes be assessed as now on the polls of the citizens, and then if

any citizen chooses to pay it, by doing his duty as a citizen by voting, let that act be a discharge and payment of such tax.

That would be a payment "in kind" by the freeman doing his duty as our fathers required him to do it, by fining him if he did not attend town meeting, as we have already seen.

This construction of the Constitution has been twice passed upon by the supreme court. First in 1833, reported in the 11th Pickering, p. 538, which decision was affirmed in 1843 in an opinion of the justices of the supreme court in the 5th Metcalf, p. 591. The court there says that, —

"Although this class of persons exempted by law has been diminished by succeeding legislation, it does not alter the meaning of the Constitution in this respect."

In other words, the Constitution, by the exception in the third article, which I have already quoted, put it in the power of the legislature to say what classes of persons should be exempted from state and county taxation in consideration of their employment or position in life, as the legislature could exempt from military and jury duty, which is a tax upon all citizens, such citizens as, for reasons controlling the legislative judgment, seemed to it proper.

May I be permitted, respectfully but firmly, to impress upon you the very great necessity for this change? Free suffrage is a right and immunity guaranteed by the Constitution of the United States, and enforced by a penalty upon any State that shall refuse it to a citizen of the United States who is also a citizen of that State.

The XIVth article of amendments declares :

"No state shall make or enforce any law which shall abridge the privileges and immunities of a citizen of the United States, nor deny to any person within its jurisdiction the equal protection of its laws."

Is not the right to give his vote in the election of his rulers, and in the enactment of the laws which shall govern him, by every theory of our government, one of the "privileges and immunities" of a citizen of the United States, he complying with all laws regulating the exercise of that immunity and privilege, which extend to all alike?

In practice, does not a property or tax qualification upon the voter bear unequally and unjustly upon him? If a small sum be made a prerequisite, then, with perfect parity of reasoning, a large sum may be imposed, which would put this franchise of freedom in the hands of the few only, who can then say, as the Roman captain answered to the apostle, "With a great sum obtained I this freedom;" and no Paul can proudly reply, "But I was free born!"

If any should doubt whether the right of voting is one of the "privileges and immunities" secured by the first section of the XIVth article of the Constitution, let him read the second section of the same article:—

"But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of such citizens twenty-one years of age in such state."

The second section thus puts a penalty, *i. e.*, the loss of representation in congress, upon any State which shall in any way abridge the right of a citizen of the United States twenty-one years of age and upwards to vote, showing conclusively that voting is one of the "privileges and immunities" which the first section declares no State shall make or enforce any law to abridge.

Passing by the undisputed question of its justness, let me advert to another consideration.

I have said already that this measure seemed to be necessary for the well-being of the State and country. The United States census of May 1st, 1880, shows that there were in Massachusetts 502,648 male persons above the age of twenty-one years, and the rate of increase will now give us 535,692, out of 1,783,085 inhabitants. The largest vote ever cast in the State, in November of the same year, was for president, 282,512. The same census shows that there were males twenty-one years of age and over, neither aliens nor illiterate within our constitutional requirement, 447,083. These would be entitled to vote except for the hindrance of the poll-tax and the impedi-

ments made by our laws of registration. This failure to vote has been alleged to be "indifference of voters."

As we have seen, the largest vote ever cast was 282,512. Taking that from the total number of possible voters, 447,083, it leaves 164,571 practically disfranchised and not voting, or $36\frac{81}{100}$ per cent. of the voting population of the State, the total vote actually cast being but $63\frac{19}{100}$ per cent. of the voting population.

It will be also found that there are fewer voters in Massachusetts in proportion to the number of male citizens over twenty-one years of age than in any other State but five, North or South, however sparse and scattered the population of such State may be, while Massachusetts is one of the most compact and thickly settled of all the States.

The granting of the right of equal suffrage fully and freely is a great measure of safety to the State, to its good order and the security of life and property. We have seen how large a percentage of men in the State cannot, or do not in fact, for reasons which will be stated hereafter, exercise this right. Our laws, as now administered, allow them to take no part in the government. A large and fast increasing minority of the citizens of the State are deprived by our laws, and their execution, of any part in its concerns. They feel that they have not been permitted to take part in framing the laws under which they live. To such class of persons such laws seem and are oppressive. To them they have not given their assent or dissent. They have the ballot neither as a power nor a protection. Will they not look, then, for other combinations rather than legal ones, as a means of redress for real or supposed grievances? On the other hand, give them the ballot and they will conservatively use it under and according to the law for the redress of their grievances. It may be said that they now have equal rights and equal powers with all other men. Not true; but if it were, not by laws of their own making. Hold them with these oppressive laws of deprivation of their rights and they become the Pariahs of society, and will look to communistic association outside of the pale of the laws, for the protection and rights that they should have by the law. The argument put forth by some — the unreflecting — against equal rights and powers being accorded to all men, is that a dangerous class will

arise. Not so. Power makes all men conservative, and sense of undeserved oppression makes all men lawless. Remember, that upon this class of citizens the State must rely for the military power which must enforce your laws. Why, then, strive to make them unhappy, discontented and lawless?

Fortunately, the abolition of the tax qualification for voting is not a question which now divides political parties.

In the Constitutional Convention of 1853 an amendment to strike it out of the Constitution was passed by a vote of 206 to 53. It was supported by the entire Democratic party of that day, headed by the venerable jurist Marcus Morton, — and all insisted that suffrage was a natural right.

It was supported by the men who gave birth to the Free-soil party, the nucleus of the Republican party, and was advocated by such men as Joel Parker, Chief Justice of New Hampshire and head of the Harvard Law School, Charles Allen, John B. Alley, Francis W. Bird, George S. Boutwell, Anson Burlingame, Henry Chapin, Richard H. Dana, Jr., Robert T. Davis, John M. Earle, Charles Sumner, Amasa Walker, Nathaniel P. Banks, Jr., and Henry Wilson.

No more learned jurists, no better statesmen lived in that day in Massachusetts, nor have lived since.

Vice-President Wilson used, in regard to tax qualification, the following nervous and eloquent language : —

“Poverty is bitter enough to be borne without the degradation of disfranchisement. . . . That constitutional provision which would deny to the poor man who could not pay his tax-bill, the right to vote, should be forever blotted out of the Constitution of a Christian Commonwealth.”

Afterwards, two Republican Congresses by two-thirds majorities gave suffrage, free and untrammelled, to every white man and four millions of freed slaves by the fourteenth and fifteenth amendments to the Constitution which were adopted by three-fourths of the States, most of them Republican, one of which was Massachusetts.

The doctrine of absolute free suffrage remains a cardinal principle of the Republican party to-day, nowhere better or more eloquently stated than by one of her chosen representatives (who might well have been now

addressing you), in a carefully prepared oration, delivered at Tremont Temple, upon questions of Republican principles in the late political campaign.

Mr. Crapo says :—

“What are these questions which demand our attention to-day? They are the questions of free and fair elections, the absolute enjoyment by every man in this country of the right to vote.”

The Republican party, through its administration, and by its entire organization, struck hands with the progressive Mahone, of Virginia, and in the election of 1882 caused the poll-tax qualification to be stricken from the Constitution of that State by the decisive majority of 107,303 to 66,171.

Opposition to a property or tax qualification for suffrage has been the doctrine of the Democratic party everywhere, except when led from the principles of true democracy by the influences of slavery, which all good men thank God are gone forever.

Of the thirty-eight States five only tolerate it in their Constitutions. It is for you, as legislators of Massachusetts, to say whether our old free Commonwealth shall remain longer in the degraded column.

THE IMPEDIMENTS OF REGISTRATION.

We have already seen the very great disproportion between the number of voters of the Commonwealth and the number of votes actually cast. That disproportion, however, is far beyond that which is caused by a tax qualification. This arises from the impediments thrown in the way of voting by our laws in regard to registration. Registration is a perfectly proper and necessary regulation as a prerequisite to voting, but it should be carefully guarded so as not to be a hindrance to the honest voter in the exercise of his rights. Within a few years there have been several provisions in regard to registration which are wholly unnecessary and obstructive. In the first place, the registration in cities closes at a very early day before the election, so that the voter is shut out from his privilege without notice. He should have the right, if qualified, to be registered down to the hour of opening the polls.

In the second place, as the registry is administered, a

very large proportion of our voters have to be re-registered every year, and the fact that they have been once registered, and voted, does not seem to be considered by the registrars in making up the registration lists. I can best illustrate this point by referring to what has absolutely taken place in the registration of the city of Boston, and in so doing I give quite approximate but not accurate numbers.

In 1880 there were about 58,000 voters registered in the city of Boston. In 1882, when the registry lists were published, there were only 37,000 names on the registry lists. That was a striking off of some 21,000 names who had already once voted and shown themselves qualified. Why leave those names off, unless some positive evidence was shown to the registry that they were not voters? Only from the second Monday of September, or for some thirty days, is there any opportunity for the voter to get his name on the list. It is true that that time is shorter in Boston than in any other city or town in the Commonwealth, probably because there are more voters to be left unregistered.

The registration law has been altered in some form almost every year for the last seven, and always in derogation and obstruction of the voter. The changes which I would suggest are these: Let every man of twenty-one years and upwards, who is assessed, have his name put on the registration list, to be stricken off by the registrar after notice to him in case of any proof against him as a voter, a name once stricken off not to be re-registered in any subsequent year until the right to vote at that time is fully established by the voter. In other words, now, all intendments in registration are against the right to vote, and that the citizen is not a voter.

Why not put the intendment the other way, and let the fact that a man has been a resident in the town for six months, and has been taxed therein by the assessors, be *prima facie* evidence of his right to vote, making at the same time a provision that the assessors shall make inquiry at the time of the assessment as to the naturalization, and save the voter from losing the time of two or three days, more or less, to obtain his right of suffrage?

I recommend that the registration laws be revised in the light of these suggestions, and sufficiently guarded to prevent frauds, without being an actual obstruction to,

and burden upon, the voters ; and, above all, let them be equal in all the towns and cities of the Commonwealth. If there is need of a difference between the provisions of cities and towns, let the same provisions be to all the cities alike, and to all the towns alike ; and let the provisions applying to the right of voting be published in the public laws of the State in regard to all places, and not be, as now, in regard to the city of Boston, in part omitted from the volume of public laws ; for certainly laws regulating the right of voting are public laws.

A FREE BALLOT AND A FAIR COUNT.

A free ballot requires freedom to vote and a fair count, to make it the effective agent of a free government. His vote should be given by the voter free from all intimidation, oversight by, or even knowledge of others. For his exercise of this great right the voter should only be accountable to his conscience and his God.

Complaints, more or less well founded, have been made that in Massachusetts, as in some other States, intimidation and coercion of voters have obtained. That ballots with distinctive colors and marks, to enable the commission of those wrongs, have been used. It is but just to say that former legislatures wishing to blot out this stigma upon the fair fame of our Commonwealth, have endeavored by law to so limit the size, printing and appearance of ballots as in some degree to render the ballots indistinguishable in the hand of the voter.

But why not strike at the very root of the evil at once, and provide that all votes shall be enclosed in self-sealing envelopes of the same size, quality and color, to be furnished by the State ? Then the size and complexion of the ballot would be immaterial.

This is not an untried experiment in Massachusetts. A law was enacted in 1851 by which all votes should be cast in such envelopes, and remained the rule until 1853, when the use of such envelopes was made, not compulsory, but permissive. From the moment of that change, to vote a sealed ballot marked the man who used it ; and such vote has rarely since been cast, although the law still remains on the statute book which requires that envelopes for such purpose shall always be furnished at the polls. The legal machinery is ready, and, to make it

effectual, the permissive clause is only to be made obligatory.

There is now in the manner of conducting our elections a great scandal,—the want of accuracy in counting votes ; so that in closely contested elections, recounts are continually demanded, and almost invariably show a difference from the original count.

Allegations are made of stuffing and robbing ballot-boxes. All this would be prevented by the use of the envelope. The number of envelopes would always conform, in a well-conducted election, to the checked voters on the voting-list. And as it is provided that any envelope containing two votes should be thrown out, the possibility of fraudulent votes being cast would practically be obliterated.

I commend this change, in the interest of free and fair elections, most earnestly to your attention.

WOMAN SUFFRAGE.

There is another cognate subject to that which we have been discussing, which has received encouragement in the platforms of both political parties, and that is the right of suffrage in women. For myself I believe that that right is given them by the Constitution of the United States. By the decision of the courts, I am overruled in my action on this subject, but not in my convictions. It is an experiment in our government which never has been here practically tried. For although women are allowed to vote for a single class of municipal officers, yet there are so many restrictions and impediments thrown around it, that no woman with a proper spirit of self-respect ought to allow herself to pass through the ordeal to attain a useless privilege of voting thus invidiously. This, I believe, is the esteem in which it is held by a majority of the most estimable women of the Commonwealth.

Women cannot be permitted to vote in this Commonwealth, by our Constitution, for national or State officers (except for presidential electors) if the law were changed ; but they may vote, if the law so provides, in municipal elections.

While this experiment ought to be fully made, yet it cannot be so, as we have seen, without a constitutional amendment. To make that amendment would take three

years. If the experiment should turn out to be an unfortunate one, it would take three years more to restore the constitutional provision.

There is one way, however, in which the experiment can most advantageously be tried, and at the same time, without any possibility of mischief, settle a question which, in my mind, will be determinative whether women should have the ballot, and that is whether the majority of women of this Commonwealth desire to vote. This is averred on the one side, and denied on the other; but certain it is, if the great body of intelligent women of the Commonwealth desire to vote they will have the vote, for I believe that fact being known, no just man would oppose it. I suggest, therefore, that a law be passed, allowing women to vote under the same regulations as men in municipal elections, which law shall take effect when it shall be accepted by a majority of the women voting at some general election.

Objection has been made that women do not desire to vote because it would be unpleasant to go into the ward-rooms and voting places. To obviate that objection, and to get a full and fair expression of the women upon this question, whether they will accept and exercise the right of voting, I would suggest that the women above twenty-one should be registered, the place, by number, or other sufficient description of residence, forming a part of the registry, and that every woman may deposit her vote, endorsed with her name and place of residence in her own handwriting, in the post-office, or in some proper box provided for the purpose, addressed to the proper officers of election in the cities and towns where they reside, within ten days before such general election, at which time the officers of election may open, examine, and compare the ballots with the registry lists and assort, count, and declare the votes as in other cases.

Such a law would seem to be easily framed so as to cut off all opportunity for fraud, very little temptation to which would exist, and thus enable every woman without trouble or discomfort to vote upon this question, and instruct the people of the Commonwealth as to their future action thereon.

ELECTION DAY A HOLIDAY.

As another adjunct to a full and fair vote, I would recommend that the day of general election be made a legal holiday, with the same safeguards as to observance as are given to Sunday in this regard, that no liquor be sold, and no liquor-shop be kept open between sunrise and sunset of that day. Now the courts adjourn, some other classes of business are suspended, while others are not, especially those requiring mechanical and manufacturing and other labor. Such a law would be but just to the large number of election officers who ought to have that day for their official duties.

As the elections in all the cities are arranged so nearly for the same time as the general election, I would suggest that the election of city governments might take place on the same day, each voter having then leisure to attend to both; and so save the cost, trouble and expense of another day of election.

NATURALIZATION.

No just-minded person will doubt that, so long as the theory of our institutions and the laws of the United States invite to this country people from foreign lands, and hold out to them as an inducement the terms upon which they shall be received, welcomed and may become citizens, any state legislation which tends to limit, impede or hinder their enjoying to the fullest degree, in manner pointed out by the laws of the United States, the promised privileges, is in so far an attempt at nullification of the laws of the United States.

The federal statute says to foreigners that, upon doing certain acts before certain courts of the United States, or before "any court of a State having common-law jurisdiction, a seal and clerk," they shall, upon the terms therein prescribed, become citizens of the United States, and by constitutional provision "citizens of the State in which they reside."

The supreme court of Massachusetts decided in the case *Ex-parte Gladhill*, that this law included the minor courts of the Commonwealth, such as police courts.

As a result of a political spasm directed against our foreign-born population, which occurred in this State

more than a quarter of a century ago, a law was put upon the statute book restricting the application for naturalization to the superior and supreme courts only, and regulating the manner in which such application should be made and considered.

To the regulations no objection can be perceived, but the restrictions of the courts beyond the federal law are unwarranted either in fact or law.

In a case of naturalization the question to be adjudicated is simply whether the applicant declares under oath that he renounces and abjures all foreign allegiance, and proves that he has resided within the United States five years, and within the State one year at least, and during that time has been "of good moral character, attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the same." What is there in this that cannot be determined as well by the judge of a district or municipal court as by a judge of the superior or supreme court? Nay, better. The nearer the applicant resides to the judge the more easily such judge could decide from his knowledge of his neighbors and the witnesses appearing, whether the facts were true.

The superior court may be held many miles — and, in many cases, must be — from the residence of the applicant. The presiding justice is an inhabitant, perhaps, of the remotest part of the Commonwealth. The costs of travelling, and attendance of witnesses beside the party's own, in coming long distances, and perhaps waiting several days for the purpose of having his case heard, are burdensome as well as useless.

The facts to be proven are neither difficult nor involved; and it is not creditable to the Commonwealth that its laws should pre-suppose the appointment of judges in any court, however humble, who would be incompetent, or too corrupt, to try such questions.

Surely, if the right of naturalization is to be allowed at all, none ought to desire to interpose hardship, restriction, hindrance, or expense, in obtaining that which the United States have given.

I would recommend, therefore, that the restrictions of naturalization to the supreme and superior courts only, should be repealed.

The dockets of those courts are now sufficiently over-

burdened with business, from which the courts are seeking relief, and in so far they will be relieved by having this class of business taken from them and put in the inferior courts, where it can be more cheaply and better done, and where jurors and parties in other cases will not be kept waiting while it is being done.

No complaint has ever been made of any systematic frauds in naturalization in this Commonwealth, and we must take notice that of the many thousands of such frauds alleged and proven in a neighboring State, all were done in the superior courts of that State.

FEDERAL RELATIONS.

There has been for many years a standing committee of the two houses upon federal relations. So far as I am advised I know of nothing in the relations between the Commonwealth and the United States at present, which needs either observation or recommendation, so far as legislation is concerned. In former years homilies in the shape of resolutions were sometimes addressed by the legislature to the congress of the United States in form of resolves reported by that committee. But that practice has been in late years "more honored in the breach than in the observance," the theory of our government being that in both branches of the national legislature the State is represented by its chosen agents: and I think the legislature may feel assured that the interests of the State are safe in the hands of its agents lately chosen to represent it in that body.

There is one matter to which I think your attention should be called, and in regard to which, perhaps, instructions to your senators and representatives might be of use. The Commonwealth has a very large claim, which, with its interest, should now amount to nearly a half million dollars, for moneys expended under the direction of the Executive of the United States in preparation for coast defence against the Confederate cruisers. That claim was presented to congress many years ago; a commission was appointed to audit it. It was audited by the commission and the amount determined. That amount remains due and unpaid. Afterwards the claim passed the House of Representatives, but failed in the Senate. A vigorous prosecution by our congressional

delegation of a claim so confessed and audited, would, I believe, give the State its just dues.

LABOR.

The relations of the employee and the employer; the methods of settling controversies between each other which are among the most dangerous to peace and good order, and are as yet without any solution under the laws; the duty incumbent upon the employer to protect the lives of those laboring for him; what degree of care is required from the master to the servant, or from the servant to the master, to use a legal phrase; and what, if anything, can be done by legislation to regulate the hours of labor, or enhance the rate of wages, are all subjects too intricate and involved to be presented here and now to your already overburdened attention, and may form the subject of a further communication.

I read, however, with pain, from the Report of the Chief of the Bureau of Statistics of Labor in 1875, that

“In the majority of cases the workingmen of this Commonwealth [upon textile fabrics] do not support their families by their individual earnings alone. Fathers rely, or are forced to depend upon their children for from one-quarter to one-third of the entire family earnings.”

Especially is this so, as we can find nothing in the subsequent reports of that bureau, to show that that condition of things has altered within the eight years since it was written.

JUDICIARY.

No substantial complaint is made of the manner in which justice is administered in the supreme or superior courts of the Commonwealth. The decisions of our law courts are cited as authority of the highest grade in all the States.

There has been, however, and still is, complaint of the delays of justice. These are not the fault of the court, but of the systems of jurisdiction under which they must act.

The people also may justly complain of the enormous and increasing expenses attending the administration of the criminal law of the State. But this, again, is not the

fault of the courts, but of the system. The truth is, the legal business of the State has simply outgrown the system and method of judicial procedure. This subject is a very difficult and complex one. I will in another communication give to the legislature such views of changes and alterations of this system as I may be advised and believe are necessary to remedy the evils of which complaint is made.

MILITIA.

There has been, since the organization of our volunteer militia in 1840, an effective body of troops, ready, willing, and able to do all the duties which they should be called upon to do. What there is now of our militia is in a very good state of efficiency, and well officered. There seem to me to be but two defects in our militia system, — one is the very great expense, in comparison with their numbers; the other is in the manner of their training.

In 1859 there were in camp, for three days at Concord, 5,333 officers and men. As that was an encampment of the whole militia on one field, it was quite exceptional in the amount of its expenditures. They were paid a per diem of \$2.50 for the men, and \$5.00 for the officers. The whole military expenses of that year were \$66,098.80.

They were the men, two regiments of whom, on the 20th of April, 1861, were thrown into Fort Monroe, and made it safe to the government from that hour. Another regiment, the 6th, met its baptism of fire and blood at Baltimore, on the 19th; and another, the 8th, opened, and kept open, the way between the capital and the North via Annapolis. Large numbers of our militia became officers of the volunteer troops of this and other States during the war. They left their homes at an hour's notice, and what they did demonstrates their efficiency.

In 1882 there were 3,274 officers and men in camp, at Framingham, for five days. The pay of the men per diem was \$2.00. The pay of the officers had been enacted to be the same as in the regular army, and the amounts varied according to rank. The total amount of our military expense for the past year was \$153,500, from which, for the purposes of comparison, the special expense of the reception of the President, of \$9,926.76,

should be deducted. Of this total expenditure, the pay of the men, including transportation, was \$54,611.40. I submit, these men were just as good, and no better, than their fathers of 1859-61.

From these figures it will be observed that, while the cost to the State of the encampment at Framingham of 3,247 men in 1882, including the two days' extra time, shows a small proportionate reduction of expenses when compared with the cost of the encampment of 5,333 men at Concord in 1859; yet the total military expenses for the past year have exceeded by about \$74,500 those of the year 1859; while the muster-roll at the encampment in the latter year as compared with 1882, shows over two thousand more men present.

I give these figures to show that, for some reason, we do not get, in the number of men who encamped, an increase in the proportion to the increased expenditure, but to the contrary.

My criticism upon the training of the militia is that there has been of late an attempt to make their discipline too much like that of the regular army. The privates of our militia are usually young men who enter upon that service for the purpose of learning something of military art, and also as a matter of relaxation and recreation. The privates are in many instances quite the equal of their officers in all social and other qualities. A Massachusetts militia-man will do anything for love of his officer. He will do nothing for fear of him. The rule is quite the reverse in the regular army. The militia, in the men who compose it, is quite as unlike the men who compose the regular army as can well be imagined; and any attempt to bring the militia-men when off duty into the same rules that govern the men of the regular army only disgusts the militia-man with the service, and accounts for the fewness of numbers who appear for camp duty.

So far as the commander-in-chief is concerned, this will be remedied; and if, upon further advisement, any change of law is necessary, it will be asked.

CRIMES.

No State in the Union has so large and full lists of crimes and offences of the petty sort in her statutes as Massachusetts. Our statutes punish as crimes many acts

of children which are left in other States to be corrected by the discipline of the parent. Many laws against offences, such as the non-observance of the Sunday law by unnecessary labor, profane swearing and the like, which seem to deter nobody from their commission, as a rule are only enforced as a means of venting malice and spite by a few individuals against their neighbors. These laws bring Massachusetts into great disadvantage when her criminal statistics are compared with those of other States. To people out of the State, who look to the number only of our criminals, it would almost appear that criminal offences with us were a state industry.

To the contrary I know from observation and comparison of the statistics of crime for many years, that there is no State in the Union that in fact has better ordered communities, or fewer of what ought to be denominated crimes, committed within her borders than Massachusetts.

There is one crime, however, which indicates such depravity of heart, such disregard of life, such malice toward all mankind, that the doing of it should be visited with the swiftest and most condign punishment. I recommend an act, in substance providing that whoever wilfully and deliberately does an act with intent to derail a moving train, propelled by steam on any railroad, shall upon conviction thereof suffer death. Such a man is in his heart a thousand times, it may be, a murderer of innocent men, women and children, who have done and can do him no harm. If by accident he fails in his nefarious purpose to accomplish which he has done all he can do, their escape is in the providence of God, and no merit of his.

The public mind is shocked as we read, day by day, of defalcations of trustees, treasurers, cashiers, and others intrusted with the care of moneys not their own, and pained at the loss of the earnings of a lifetime by their owners, the cause being, in most cases, traceable to gambling, followed in many instances by heartrending suicides, increasing in number, of husbands and fathers.

We have laws now, to prevent losses by "games of chance," but they are very far from reaching the evil, as the amounts lost and won by them are trivial compared with those of another and greater species of gaming.

In gambling, by selling by the one that which he has

not to sell, and the buying by another that which he has not the means to pay for, carried on by securing a contract for property by depositing what are known as "margins," in the hope of a rise or fall of the article gambled in, under the many forms in which it is done, most of the cause is found of such defalcations and ruin. These evils in their extent are, comparatively, of late development, but now affect the community itself. This gambling is extended to quite all merchandise, but preferably the necessities of life. By large combinations, the price of corn, wheat, and other articles of food is raised to almost starvation prices, while the granaries are bursting and the markets are overstocked; but food cannot be sold because of enhanced price regrated by such means.

This is an offence at common law, but is rarely prosecuted.

The price even of cotton, the enormous supply of which would seem to put it beyond regrating or monopoly, upon the use of which the happiness of so many of our citizens and the prosperity of our State so largely depends, has also been in a great degree regulated by these methods. Conservative business men, treasurers of large manufacturing corporations, have been tempted into buying their supplies of cotton in what are known as "futures," leaving the price to be determined by chance; that chance however controlled by wicked conspiracy, thereby ruining themselves, destroying the enterprises they represent, and thus reducing to starvation thousands of laboring men and women.

I admit that these evils are difficult to reach by legislation; but I believe that difficulty is not insuperable. I recommend the matter to your careful consideration.

THE REFORMATORY, CORRECTIONAL AND PAUPER INSTITUTIONS.

The greatest ordinary expenditure of the State is to defray the expenses of its reformatory, correctional and pauper institutions. I have chosen to group these. They consist of the state almshouse, the state primary school, the state workhouse, the reformatory prison for women, the state prison, the reform school for boys, and the industrial school for girls.

I have not been able to obtain in time all the actual expenditures of these institutions for the past year, and therefore take the appropriations passed by the late legislature for their current expenses, and for salaries, and expenses of salaried agents, in the following sums :—

	Current Expenses.	Salaries.
Almshouse, Tewksbury,	\$73,000	\$20,000
Workhouse, Bridgewater,	29,000	11,000
Primary School, Monson,	35,000	17,000
Reformatory Prison for Women,	47,200	23,000
Reform School for Boys,	15,000	15,000
Industrial School for Girls,	9,000	5,600
State Prison,	82,300	54,800
Total expenses,	\$290,500	\$146,400

Expenses of agent for discharged female prisoners,	\$2,300
Salary of agent for discharged convicts,	1,000
Expenses of agent for discharged convicts,	3,000
Contingent and travelling expenses of prison commissioners,	1,600
Salary of secretary of prison commissioners,	2,000

Inspector of Charities:	
Office and incidental expenses,	8,000
In-door poor, " "	24,000
Out-door poor, " "	17,000
	<hr/> \$58,900

Add \$58,900 for these salaries of oversight and inspection and we have the large appropriation of two hundred and five thousand three hundred dollars (\$205,300) to be expended as salaries in one year for superintendence in taking care of the paupers and convicts of Massachusetts, or 70 per cent. of the whole amount appropriated for their support and well-being.

It is not forgotten that there are very considerable appropriations for payment to cities and towns for support of state paupers; but, of course, these paupers in the city and town almshouses have their own proper care and attendance. And I have also left out some minor items which will not very materially affect the result of comparison of salaries to other expenditures.

It is true that in the term "salaries" the legislature includes the payment of employes to have care of these prisoners and paupers, as salaried persons. The number of outside persons who ought to be hired to do any labor in those institutions other than for supervision should be

very small; for most of them have laboring men and women under their charge, who should generally be able to do all the manual service required.

And it is also to be observed that I have not included the appropriation for the insane poor in hospitals, although I am inclined to believe the disproportion there would be quite as striking.

In addition to this, in my judgment, vastly disproportionate amount of salaries to all other costs, all the salaried officers and employés (with the exception of the inspectors of charities and of in-door poor and out-door poor, the agents of convicts and their clerks), have their living expenses furnished them at the several institutions where they are employed, which are taken from the expenditure for maintaining the paupers and prisoners, of the amount of which no items appear.

Now, it may be assumed that the lowest amount any officer or employé elsewhere, pays from his proper salary for himself and family, for house rent, heat, light, living and washing, especially if he entertains from the same fund his relatives and friends, is *one-third* thereof. We then have a further addition of \$48,800, making salaries and agents' expenses in fact more than 87 per cent. of all other current expenses for the welfare of the prisoners and paupers, from which there should be a corresponding deduction of \$48,800, showing that the appropriations for the expenses for salaries and agents are more than those of all other expenses for supporting the poor by \$12,000.

To illustrate how this question of such support of so many officers and their families affects the amount necessarily expended for the care of paupers, I quote certain items which I find charged to expenses of living of the paupers at Tewksbury almshouse, taken from the auditor's report for the year 1882. It will be remembered that that almshouse is wholly devoted to the care of foreign sane and insane persons, largely women and children, who, apparently, before they came there, were not accustomed to a very high style of living.

Taking as the principal articles of provision which should be used in such a house, fresh and salt beef, I find the amount expended for beef of both kinds during the year to be \$6,847.75. I find also that for tea, coffee, butter, cheese, chocolate, tobacco, eggs, sugar and milk, the amount charged to the support of the paupers is

\$12,269.81, or nearly twice as much as the beef. This was in addition to the milk, butter and eggs raised on a farm of 245 acres. We can partly guess how much of these articles of luxury were given to the paupers, and how much was appropriated to the large number of salaried officers, their families, friends, and employés, who were in charge.

It may not be improper here to call to mind that, under our laws as they now are, all these expenditures are under the sole control of the state board of health, lunacy and charity, and the prison commissioners.

It will doubtless be remembered that in 1878, in the course of the political canvass, observations were made upon this class of expenditures, in connection with the several commissions of the State, calling public attention to what was claimed to be extravagance and impropriety of administration in this regard.

An executive and legislature were chosen that year, composed of the political friends of those holding places on the several boards and commissions. That legislature abolished and changed all boards, commissioners and agencies having anything to do with the pauper and reformatory institutions of the State,—some ten in number,—and created instead a board of health, lunacy and charity, consisting of nine persons, to be appointed by the Governor, with the advice and consent of the Council, who shall hold their offices for five years; which board shall have all the powers, and exercise all the functions of the boards abolished, and all of the bureaus and their agents, and assign all the duties thereof to their agents, appointed for the purpose; and to exercise any of its functions by agents or committees appointed by said board. The board was given supervision of all charitable and reformatory institutions, and when directed by the Governor, may exercise the powers and duties of all boards of trustees of charitable and reformatory institutions, including the lunatic hospitals; and they were to act as commissioners of lunacy. They were given power to appoint, with the consent of the Governor, and he consented, such officers as were necessary, and fix their compensation; and were to make their own by-laws, and make a report of their doings to the Governor and Council, on or before the thirty-first day of December in each

year, the report to be made up to the thirtieth day of September in each year.

The same Act provided that a board of seven trustees should be appointed, — two of whom were to be women, — to have charge of the state reform school at Westborough, the industrial school for girls at Lancaster, and the primary school at Monson, who were to hold their offices for five years; also, a board of trustees of the state almshouse, who should hold their offices for three years; also, another board of trustees of the state workhouse, who should hold their offices for three years; and that the superintendents and physicians of the state institutions, except the lunatic hospitals, should be elected annually by the board of trustees; and that the other officers of those institutions should be appointed by the superintendents, with the approval of the trustees.

This Act did not interfere with the appointment of the officers of the four lunatic hospitals, which already were governed by boards of trustees, having definite terms of office, who were to appoint their own officers.

The same legislature reorganized the board of harbor and land commissioners, giving them fixed terms of office.

The same legislature also created a board of prison commissioners, who should have the special oversight of the state prison, the women's reformatory prison, and a general oversight of the other prisons of the Commonwealth; and, with the exception of the warden, chaplain and physician of the state prison, and the superintendent, treasurer, chaplain and physician of the women's prison, all other officers and employees of these prisons were to be appointed subject to their approval.

This Act also legislated into office the three incumbents of the old board.

It will be seen that substantially every commission and their officers, agents, and employees, having to do with the expenditure of the money of the Commonwealth, were thus placed beyond the power of the Executive branch of the government, and beyond the possibility of any change in actual administration of the government by the people, in a single year, or even a series of years, of disturbing this body of commissioners, boards, and trustees, who were to have charge of very large expenditures and the appointment of nearly all the officers and employees thereof.

Beyond question, they were put out of the reach of the Governor and Council so long as they behaved themselves well in their offices. There was a doubt whether they and theirs were safe if they acted improvidently, carelessly, or corruptly. This sole possible danger to those commissioners and other officers must therefore be averted.

This was done; and all were saved, the good and the bad, by an Act of the legislature of March 3, 1881, as follows:—

“Appointments made by the governor, or by the governor and council, may be by them revoked at any time for cause, unless the tenure of office or trust is expressly determined by the constitution or by law.”

You will observe that “office or trust” will cover all classes of civil officers appointed by the Executive, who have charge of the expenditures and property of the State. By these statutes, substantially all expenditures of the State and all the officers who have to do with them, are wholly beyond the reach of the Executive power of the State or of the people of the State, save through the legislature which might reach them by abolishing their offices.

The novelty and ingenuity displayed in the phraseology of this act, — the first part of it conveying the idea to the mind that it was a law giving power to the Executive to remove for cause, the sweeping but apparently innocent exception seeming to provide only for the life tenure of judges, and its adaptation of means to the end, would entitle its inventor to a patent except for the doubt of its usefulness.

It is hard to resist the inference that such an ingeniously constructed enactment was not made with a purpose, and that purpose to remove all the lucrative offices of the State from the control of the people or the Executive. At any rate, as the law now stands, any of these officers may commit any crime and be put into the state prison for so doing, — and it is not unheard of that persons connected with the state government have committed crimes, — and still they cannot be removed from office.

Nay, these boards and commissioners were not only removed beyond the Governor's control by law, but, if possible, beyond the control given him by the Constitu-

tion. It will be observed that these boards are to report by law but once a year to the Governor and Council, whereas by chapter II., section II., article XII. of the Constitution : —

“All public boards . . . shall, once in every three months, officially and without requisition, and at other times when required by the governor, deliver to him an account of all goods, stores, provisions, . . . and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality, and kind of each, as particularly as may be.”

Let me not be misunderstood. I say here and now nothing concerning the conduct, character or standing of any member of the boards or commissions. I am commenting upon the system of unaccountability and uncontrollability which may be the result of the Act establishing them, intrenching them and their subordinates in office. I call the attention of the legislature to the laws which put nearly all subordinate departments of the government beyond the power even, of the supreme executive department. That department cannot investigate them or their agents, officers, employees, or the acts, doings or official integrity of any of them. The Governor, or Council, or both, cannot ask of any of them a question relative to the public service or their public duties, which either of them is obliged to answer. The Executive has no power to correct abuses, even if known and flagrant.

The history of all governments has shown that administrative powers exercised by a board induces corruption and carelessness in its members and agents. This rule obtains, however high and noble may be the position of those composing the boards, or however humble and insignificant. The board of directors of the East India Company, and of the board of supervisors of the Union Workhouses in England, illustrate this truth.

Philosophic political writers have always maintained this proposition. Jeremy Bentham says a “board is a screen.” That is to say, agents use the board to cover their acts, and it is all the more useful as such, if composed of men of high character who have only a perfunctory interest in its operation. No thing was ever well administered by a board in which the members had no interest. Therefore, all well considered laws, erecting

corporations always provide that the directors shall be stockholders, whether in banking or other business.

Even in business corporations is it not a well-known fact that most of them are at last managed by one man, usually a subordinate? If he desires to do wrong the board becomes a shield, and no less an effective shield, if, as in the cases of the boards we are considering, a sprinkling of most estimable ladies are put into it to fill the eye, and administer to the sentimentality of the public.

To show the legislature that management by boards is expensive, and specially if a large one, I present the following table, showing the great increase of cost of taking care of the sane and insane paupers of the State, taken from the public records and reports. It will be remembered that for a series of years prior to the year 1864 the state paupers were under the charge of the "alien commissioners."

TABLE.

Comparative Costs of Supporting the Sane and Insane Paupers for Five Years from 1859 to 1863, inclusive, and for Five Years from 1877 to 1881, inclusive.

	Whole number for five years.	Average number of paupers each year.	Total cost to support for five years.	Cost of support of one pauper for five years.	Cost of support of one pauper one year.	Cost of one pauper one week.	Cost of one pauper per day.
Sane and insane paupers supported under Alien Commission from 1859-63, inclusive,	15,013	3,002.6	\$1,115,145 28	\$371 40	\$74 28	\$1.473	\$0.204
Sane and insane paupers supported under Boards of State Charities from 1877-81, inclusive,	11,034	2,260.8	\$1,740,347 47	\$769 79	\$154 00	\$2.96	\$0.423

By examining the table it will be found that the cost of supporting the same number of sane and insane paupers under the Boards of State Charities was slightly more than *double* the cost of supporting the same number of sane and insane paupers under the alien commission. If

the Boards of Charities had supported the 15,013 paupers which the alien commission had in charge at the same cost as the 11,304 which the boards did support, the loss to the State would have been \$1,096,141.84.

This table includes nothing but the sums actually paid for the costs of the support and supervision of the same class of paupers, all other expenses having been left out in both cases.

It might strike the mind in looking at these figures that the discrepancy in cost might be attributed to difference in price of provisions; but if it is borne in mind that the last three years we have taken of the alien commission were during the war, and that war prices obtained for all the staples of life in 1862 and '63, it will be seen that that consideration will in no degree account for this great difference in cost.

So far as I can see, this enhanced cost arises from the very large increase of expenses of salaried officers, agents, the difference in system and management, and the want of any sufficient accountability for expenditures.

In addition, I submit the following table of the comparative cost of support of the same class of persons by the state board and the counties, from report to Board of Health, Lunacy, and Charity, 1881, Pub. Doc., No. 17, Table VIII., p. 43: — Worcester Hospital and Asylum; Taunton, Northampton, and Danvers Hospitals; Tewksbury and Bridgewater Almshouses; and Monson, Westborough and Lancaster Schools.

Net Cost to the Public for the year 1881.

	AVERAGE No.	COST.	PER HEAD PER YEAR.	PER HEAD PER WEEK.
Above State Institutions, .	4,374	\$713,200	\$163 05	\$3 13
By Counties, Table 1, p. 14:				
Suffolk County, . . .	1,594	248,414	158 98	3 05
Middlesex " . . .	892	116,582	130 57	2 51
Essex " . . .	895	104,799	117 09	2 25
Bristol, " . . .	492	63,836	129 75	2 49
Worcester " . . .	758	91,899	121 24	2 33
Hampden " . . .	317	39,813	125 59	2 41
Berkshire " . . .	196	24,542	125 21	2 41
City of Lowell, . . .	174	16,041	90 46	1 55
" Worcester, . . .	93	15,310	164 62	3 17
" Lawrence, . . .	107	15,218	142 22	2 73
" Springfield, . . .	91	12,161	133 64	2 57
" Salem, . . .	157	14,430	91 91	1 57
" Taunton, . . .	89	11,450	128 65	2 47
" Fall River, . . .	145	19,020	131 17	2 52
" Gloucester, . . .	58	8,101	139 67	2 69
" Newburyport, . . .	64	9,015	140 86	2 71

It will be noted that of the \$248,414 expense in Suffolk County, \$148,000 were for insane; hence the high cost per person.

Why should it cost less in the town almshouses in the several counties, including the insane supported there and boarded in the state institutions, than it cost the State?

I shall have occasion further to illustrate the tendency

to extravagant expenditure, in speaking specially of other institutions.

Management by boards always is the subject of scandals ; and sometimes without any sins of commission on the part of members of the board, but by their subordinates, who find the board a convenient cover for their nepotism and peculations. In one of our pauper establishments there have been employed, under the board of state charities, from four to seven, for many years, in the same family, in the higher, most responsible and best paid places, drawing as salaries from four to six thousand dollars, besides the expenses of the living of all of them ; all sons, wives, and daughters, by blood and marriage, to the superintendent. Could any intelligent head of a great business concern justify himself for such class of appointments ? Would anybody expect to learn anything of the misdoings or shortcomings of any of such officers from either of the others ?

Have there not been scandals, public and well known, for years in that institution ? Was it not charged, and never denied, that, for years, of the infants born in or sent to that institution, more than ninety per cent. died as such ? All of these did not fill an infant pauper's grave, even ; for it can be shown that from one hundred and fifty to two hundred and fifty infant corpses were annually sold as merchandise to a single medical institution in the State, for from three to five dollars each. Many, if not all, came from thence, besides large numbers of bodies of pauper adults, furnished for other medical purposes, and sold as merchandise for very considerable sums ; and that done secretly, and not under and in accordance with the provisions of the law, which, under certain safeguards, permit almshouses to furnish the unclaimed bodies of deceased paupers for dissecting purposes to surgeons and medical schools, according to the decent and humane provision of the statute. Was this not in testimony before a grand jury ? Has it not been publicly known ? What record has the State of these dead infant children, to whom it took the place of parent ? What account, even, has ever been returned of the price of this merchandise of the Ghouls ? What record of birth or death or burial place, by which such bodies could be identified or classified ?

It is also true that since these scandals were made public the infant children have been sent away from Tewksbury,

so that, as was reported last year, there were one hundred and four births and only five infant deaths there. But as those were neither “deserted children nor unbound foundlings,” we have no statistics of what has become of them. But the following extract from the report of the state board of health, lunacy and charity for the year 1881 will throw some light on the question :

“After years of effort and careful experiment it was found impossible to save the lives of the foundlings sent to Tewksbury. [Why impossible for a healthy child to live in Tewksbury almshouse?] At the same time the large number found dead in Boston and its vicinity, and the great mortality among this class in that city, attracted public attention, and some action was desirable.”

Now such infants are soon removed, and farmed out for care, to various persons, and the public are shocked to hear in the public prints of their deaths in passage.

Baby-farming has always been, in all countries, and all times, a fruitful source of scandals and brutal crime ; and we have no sufficient record in the reports of what has become of the large number of children born in our pauper institutions, although we have some statistics of those taken up as “deserted or foundling.”

I have searched the book of reports in vain for facts by which I might be able to refute these scandals, but can find no data given by which I may.

I have heretofore spoken of the immoderate expenses of this institution.

The question may be asked : Why did not the trustees or supervisors expose those iniquities ? To that I answer that, years ago, a reverend clergyman, speaking of one of the trustees of this institution, who was his parishioner, in a public sermon stated in substance that he asked his parishioner how he could afford to leave his business and be the trustee or supervisor of such an institution without pay ? And his reply was that he made enough out of the commissions on what was bought by it to pay him for his time. And although this sermon was printed and published, yet no investigation was had known to me, and I am certain the facts never came to the late Executive, because that trustee was reappointed within a year, and remains under your laws a fixture in office, not to be turned out, or investigated even, by any power in the Commonwealth except the great legislative power, which

from my knowlege and experience of public business in a cognate body is of necessity the most unfit of all possible tribunals for investigation of facts.

THE STATE PRISON.

The appropriation in 1882 for salaries was \$54,800 ; for current expenses, \$73,000. It is true that the necessary watchmen in the prison may well increase the number of salaried officials.

All these expenditures are substantially made by the warden, who reports to the board of prison commissioners, which board was, as we have seen, reorganized in 1879, and became a law unto itself.

It has passed into history that improvidence, to speak no more harshly, was shown in the removal of the prison and location of the site, and the expenditures in the erection of the building and the arrangement of the prison at Concord. All this was done against the protest of the ablest men having in charge the reformatory institutions of the State ; and it is now difficult to find who is responsible for this change.

The question is one not without argument in the affirmative, whether it would not be better for the State, notwithstanding the immense sums expended at Concord, to return to the old prison at Charlestown. The cost of transportation of prisoners, the most of whom must come from near the centre of population, and the freights on supplies, are no inconsiderable item. The sanitary conditions of the site are not what they might be.

The location of the Concord prison, away from any large population, which has its police and military forces ready to be called upon if needed by the warden, tends to incite in the prisoners hopes of escape by breaking out or insubordination within the walls of the prison. True it is that, for years past, there has been a very unsatisfactory state of discipline in that prison. It is historical, also, that the only dangerous outbreak of prisoners while at Charlestown had to be quelled by the assistance of the United States marines from the navy yard.

It would seem either that the causes that I have named, or the incompetency or impropriety of conduct of those in charge of the prison, must have produced this want of discipline and insubordination, for none other can hardly

be conceived. Prisoners must be taught implicitly to obey all rules for their government, and it should be the duty of the Executive to see that those rules are reasonable.

The unwillingness of the convicts to labor, and, in some instances, the failure to find contractors competent to employ their labor, has, among other things, made the prison not self-supporting, but an actual charge to the Commonwealth. From 1866 to 1873 inclusive, the prisoners were self-supporting as to all expenses, and in the latter year they earned quite forty dollars per man above their cost, or \$23,422.42 net income to the State. The prison has not been self-supporting since. In 1881 the prisoners earned \$40.76 less per man than their cost, leaving \$28,613.52 to be paid by taxation, or a net loss to the State of \$52,035 94 as compared with 1873.

The commissioners in their report for 1881 state that the expenditures have increased ten thousand dollars over the previous year. This, they say, is due in part to advance in provisions and in the item of coal consumed. They also say that the average number of prisoners for the past year being only 702, is a cause of increased cost and decreased earnings.

But in 1873 the whole number of men was 586, against 702 in 1881, and the total cost per man was \$193.18 in 1873, as against the cost in 1881 of \$167.60; and in the first year the fewer prisoners earned \$40.76 per man more than their cost.

Fortunately, this institution is, as to its management, in some degree, within the reach of the Executive.

I respectfully submit that much may be done by legislation to improve the discipline of the prison, and make the institution efficient as a reformatory, and to cause the labor of the prisoners to be self-supporting.

The prisoners are congregated there in large numbers, without hope — without anything to which they may look forward, except the expiration of their respective sentences, and without any sufficient inducement to good conduct because the time of a sentence runs as well for the insubordinate and sullen prisoner as for the good one. The prisoner has no encouragement to labor cheerfully and effectively. It profiteth not him or his. He goes to a daily task, irksome and hopeless.

Might not legislation change all this, by providing that

every prisoner, by working steadily and efficiently, and obeying all the rules and regulations imposed upon him, may work off a portion of his sentence every month, according to his deserts — say ten days out of every thirty, as the highest reward of merit; and a less number for less exertion, and less obedience and good conduct. Now, only obedience to all rules counts.

I believe that this would do more to prevent insubordination and outbreak than guards, solitary cells, bread-and-water diet, or other punishments.

Of course, this could not apply to those with life sentences; but still, good conduct and assiduous labor by them could easily, by law, be made a merit to shorten even life terms, through the pardoning power.

Might not a certain percentage of the earnings of the prisoner be invested in a fund, apportioned according to his deserts and length of service, and be given the prisoner when he is discharged, to start him in the world again — this percentage to be enlarged when the prison becomes self-supporting? Would not such provision be much better for the self-respect of the convict, being his own, than the pittance that now is doled out to him by an officer known as the “Agent for aiding discharged convicts,” who spent, in 1881, \$2,654.43 in relief of the convicts, and appropriated \$1,340.80 to himself, for salary and other expenses, in so doing?

Would not another good result from this treatment of the prisoner? Experience, I doubt not, would show that, under it, nearly all of the convicts could be trusted to work out of doors, and upon that kind of labor which would not come in direct competition with the skilled labor of the honest mechanic outside, as the present system of employing convict labor in manufactures, in the state prison and houses of correction, now does.

This method of employing convict labor is not wholly theoretical with me, but experimental. Within the limits of my command during the war, I found a large number of men who for various crimes, military and other, had been sentenced to longer or shorter terms at hard labor by courts-martial and military commissions. Upon inspecting them I found that hard labor consisted principally in frolicking all night and sleeping all day, because of the lack of proper employment. No in-door work could be provided for them, but putting a distinguishing

uniform on them, under a few men to guard and control them, I put them at labor in cleaning the streets of a hostile city, giving them the inducement to good conduct which I have sketched. Although they were employed afterwards miles away from the army in repairing a break in a canal in the enemy's country, not a man was lost by escape, and a better and more efficient body of working men I never saw.

Nor were they a different class of men from those men now in our state prison, except, perhaps, worse; for it is well known that the exigency of filling quotas largely emptied the prisons of Massachusetts and other Northern States into the army.

If the legislature will approve of this experiment, the Executive will give all needed thought and industry to organizing it into a successful solution of the questions which now make insubordination and sullenness "danger to officers, and cruel, although perhaps necessary punishments, to the men in our state prisons." If the experiment is successful it would probably be followed by employing the convict labor of our several houses of correction, outside their walls, in raising on the lands attached to them a large portion of the food they consume. It might tend to take the state prison back to its condition in 1870, when its salaries, including the pay of the inspectors, were \$36,823.06 and its ordinary expenses \$76,210 53, or a total of \$113,033.59, and its income \$138,900.

THE STATE REFORMATORY PRISON FOR WOMEN.

The expenses of keeping women there are by far too high for any good result that is attained. There are very few inmates, so that the average cost of their support is larger than any other institution. Most of them are there for the offences of lewdness, vagrancy, drunkenness and begging. The law is that a woman, for such offences, may be sent to this prison for one or two years, while men, for the same offences, are punished by small fines or imprisonment for hardly more than as many months, the theory of these long sentences for women being that long terms of imprisonment will work reformation. But there is a provision that the prison authorities, at their own pleasure, may send these unfortunates to other

prisons, there to work out these long terms of sentence. Again, women are sent to the reformatory prison for from seven to ten years to be supported at this high cost. For such that is not a reformatory, but a punitive institution. The experiment seems not to be a success. The prison is by far too costly for any supposed good that it does, and should be abolished.

THE REFORM SCHOOL FOR BOYS.

Experience has also shown that the state reform school, at Westborough, is not a success. As you will see by the lists of appropriations, the proportionate expenditures for salaries are simply enormous, and there is a very large establishment kept up there, with a great quantity of land which might well be devoted to, and is needed, for other state purposes. With regard to this institution, I commend to you the latest recommendations of my immediate predecessor.

THE INDUSTRIAL SCHOOL FOR GIRLS.

This institution has outlived its usefulness, if it ever had any ; and concerning it the retiring Governor says :—

“There were forty-six girls in this institution a week ago—their number also having greatly decreased, and no longer justifying so large a per capita expense for their maintenance.”

In this opinion and recommendation that the school be abolished I most fully concur. These recommendations of the Executive were not heeded by the last legislature, probably because there was a board, and its officials interested that they should not be. They are again submitted to you.

There is another school to support, for which there is annually appropriated \$22,500, over the expenditure of which sum the State has no control, and of which no account is rendered. For the existence of this school, so far as the State is concerned, I can see no sufficient reason. This is

THE SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH.

When the State shall have sufficiently educated every bright child within its borders, it will be time enough to undertake the education of the idiotic and feeble-minded.

I submit that this attempt to reverse the irrevocable decree as to "the survival of the fittest" is not even kindness to the poor creatures who are in this school. Give them an asylum, with good and kind treatment; but not a school. The report from that school shows that none of its pupils have been made self-supporting by its teachings. The report further shows that those in whom some spark of intelligence has been awakened, have become so ashamed of their school that when they write to their parents they beg for paper and envelopes which have not its card upon it. That is, they have been educated simply enough to know of their deficiencies and be ashamed of themselves and their surroundings. We do not contribute to their happiness by giving them that degree of knowledge. A well-fed, well-cared-for idiot is a happy creature. An idiot awakened to his condition is a miserable one.

THE INSANE OF THE STATE.

This pitiable and helpless class are, more peculiarly than any other, the wards of the State, appealing to us to care for them by every sentiment of sympathy and justice.

They have been treated, with slight variation for fifty years, since the establishment of the first hospital at Worcester, substantially in the same manner of confinement, save in the earlier days the paucity of their numbers gave opportunity for more assiduous care.

All classes of the afflicted with mental disorders have been sent to, and received in the same hospital, whether incurable or chronic, the violent with acute mania, the demented or imbecile. Those with mania for crime, those insane only from religious fervor, the pauper and degraded, men and women all herded together, separated only by necessities of restraint and safety.

As the increase of patients required new hospitals it would seem to have been obvious that some classification of the insane, from requirements of different treatment, would have been made, but this has not to any practical degree been done, although we have five hospitals—at Worcester, Taunton, Tewksbury, Northampton, and Danvers. Each was organized under the control of a separate and distinct board of trustees, with separate superintendence; each was filled up with all classes of

patients as at first, save Danvers, which only differs in having a large proportion of pauper insane. In all but one of these hospitals private patients of the same differences in their madness are also cared for.

From the reports of the boards having them in charge it appears that the insane are increasing at the rate of two hundred a year, or five per cent. on the number of the insane, while population increases only two per cent., and that in the very near future more accommodation will be required for them. This increase may be accounted for because of the great excitation of the mind and overwork of the bodies of our citizens, in these days of intense activity which pervades every department of business and thought.

In the early days of our hospital treatment, we are told by the reports of the learned physicians who had them in charge, that a very large per cent. of cases of insanity might be and were cured, and the percentage was stated to be as large as seventy-five and afterwards sixty per cent.

We are now told by the latest reports of their scientific successors that sixty out of every one hundred afflicted must die insane. In every other department of therapeutics, increased knowledge of physiology, more accurate acquaintance with the causes of disease, the many additions to the *materia medica*, have softened, ameliorated and checked the ravages of other sickness, lessened its fatality, and increased the number of cures. Is it not to be hoped that even experience, research, and scientists are at fault when they pain us with so startling and terrible an announcement?

“Oh star-eyed Science, hast thou wandered there,
To waft us back the tidings of despair?”

May we not inquire if some change of treatment or of confinement will not bring alleviation? Is not the experiment at least worth trying? Can we not by classification, and putting together those in one institution who give hopes of recovery, in another those who are violent and need physical restraint, and in still another those afflicted with dementia or imbecility, who are harmless and need no restraint, but care only, do something to alleviate these maladies? This can be done efficiently only by

consolidating all the hospitals under the charge of some one responsible head, of sufficient executive ability and scientific skill, who can, having full control, make this classification and separation which, because of our system of separate boards of trustees and separate government, cannot now be done. Naturally each board of trustees looks only to its own institution. It is a corporation put under its separate management. Indeed, some of the older institutions have been so far managed on that plan, that they have funds amounting to many thousand dollars each, which, as I am informed, they have accumulated from what they received from the State for the care of its own insane, in its own hospitals, over and above the cost of their support to their corporation. These sums, for purposes they doubtless think wise, the trustees control without any accountability to the State or its accounting officers.

Into that matter, of course, you will carefully examine.

The general supervision of these institutions is, by the Act of 1879, put under the board of health, lunacy and charity, who manage them, so far as they are managed at all, through a committee of lunacy, and this in addition to the other duties of this board, to take care of the health of the paupers and a large proportion of the criminals of the State, and also their duties imposed upon them by statute, of ascertaining the quality of everything that everybody in the Commonwealth eats and drinks, and all the drugs and medicines we consume, and the quality of the cosmetics that the ladies are supposed to use.

It will not be wonderful if we find some things have to be neglected by so versatile and overworked a board, especially as they all work without pay.

Members of the board, interested in and capable of taking charge of the sanitary condition of the State, find their duties in taking care of paupers distasteful; while those with an aptness for paupers have no sufficient knowledge of the laws of mental alienation to have superintendence of lunacy; and those having that scientific knowledge which would fit them for the latter work, have no taste for looking after the sewerage or paupers, prisoners or cosmetics of the State.

This incongruity has led to the resignation of nearly a majority of that board, losing to the State the services of

some of the best-fitted men, for portions of the work, upon it.

All these establishments for the insane have large quantities of land. If you are called upon, as you will be, to furnish further accommodation for the insane, why not do so by the Swiss system of families in cottages, for the harmless and quiet, which may be cheaply constructed? A family of harmless chronic insane, for whom no physician is needed, could be taken care of by a single man and woman, and the cottages being contiguous, they may have a common dining-room for all. Thus they might have all the comforts of home, so that life would be to them quiet and endurable, even if without hope of change, save the last.

I trust, certainly, that no more architectural follies, to use no harsher term, will be permitted, like the Danvers Hospital. A board could allow that to be built at the expense of nearly two million dollars. If any man had built it, he would have been exiled by force of public opinion, if no other, or shut up in the monument of his own folly and recklessness.

The institution for insane, principally paupers, at Danvers, and the new hospital at Worcester, have cost the State for the few less than 1,250 patients there, \$2,500 each, besides a weekly cost of nearly four dollars each.

The past is gone. Will not the legislature make some provision by which all this can be changed for the future, and managed upon economical and business principles?

There is another matter of very important concern which I commend to your consideration, in relation to the insane establishments, as well private as public, and that is, their doors open altogether too easily *inward*, and with too great difficulty *outward*, in the reception and discharge of their inmates. An allegation of aberration of mind is easily made and quite as easily proven by experts; and, although it may amount to no cause for incarceration, yet the very expert who gives his testimony is now allowed to adjudicate upon it sufficiently to sentence the accused to what may be perpetual imprisonment.

In no other case is the liberty of the citizen so loosely guarded, or so much in danger. Nor is his personal liberty allowed to be interfered with in any other case without the assistance of counsel, and full right and opportunity to appeal to the highest court.

For the patient to get away from the hospital, especially where it is making money by keeping him, is difficult, because of the temptation to hold him where those procuring the incarceration may be willing to pay a large sum for the care of the prisoner.

I submit that this matter ought to be carefully guarded by legislation, giving every facility for setting at large the imbecile and harmless insane, whenever they become hopelessly incurable, and relegating them, as other harmless people are, to the home care of their friends and relatives, who are bound to support them.

THE MANNER OF ACCOUNTING WITH THE AUDITOR.

The people of the Commonwealth generally suppose that their safety in the matter of expenditures is in the integrity and care of the state auditor in auditing all bills against the Commonwealth.

I must not be understood to say that the estimable gentleman who fills that office does not do, in that regard, all that he or any one else can do, under our system of auditing, nor that the committee of the council on accounts do not do their duty. The fault is in the system not in the officers. In the first place, many of these expenditures are audited by the boards or commissions which authorize them, and whose appointee or agent incurred them. Such system has grave and well-recognized faults. Again, I commend to your attention the statute requirement as to keeping the accounts, and the manner of stating those accounts in the auditor's report. Faithfully followed they lead to great confusion and uncertainty, so that even an expert book-keeper may well be puzzled in obtaining accurate results from them, certainly until he has learned the system. This should not be in reports of matters which ought to be examined by all, as in them all are interested.

SUPPLIES PURCHASED FOR THE STATE.

In view of the very large purchases of supplies of merchandise and materials of every description for carrying on the business of the State, now purchased in comparatively small quantities by a great number of persons without any responsibility as to price paid, or possible acquaintance with the actual price, amounting in the aggre-

gate to quite a half million dollars annually, I would recommend that a purchasing officer for all state supplies of every name be appointed, with a salary sufficient to insure the services of a competent business man, to be commissioned by the Executive for three years, unless sooner removed for cause, to give adequate bond, with sureties, for the faithful performance of the duties of his office, who should be charged with the making of all purchases of supplies of every kind now bought, or to be bought, and paid for by the State. Purchases, in all cases where the amount of any one class of articles probably to be used in one year exceeds in amount one thousand dollars, to be made by advertising for proposals from dealers and manufacturers, according to samples, and contracts properly guarded made thereunder, save that in case of exigency, purchases may be made in open market upon approval of the Governor, as also the purchases of articles of less amount at current prices in open market; no officer or employee in any department of the state government to be directly or indirectly interested in such sales to the agent; all departments of the state government needing supplies to make timely requisitions specifically upon the purchasing agent. Of course the law would provide the proper details for auditing the accounts and paying for the purchases.

Experience in the conduct of very large business corporations has shown the necessity for such purchasing agent. Purchases made in any other way by a large number of persons, even if there is no suspicion of the integrity of the purchasers, must of necessity be at a much higher rate than if purchased in bulk.

Another advantage to be derived from such system of requisitions and purchases will be that the officers requiring the goods, if they do not come up to sample in quality, would immediately return them upon the hands of the purchaser, who would throw them back upon the seller; so that all complaints of inferior or damaged goods being purchased would cease. For example, no superintendent of an asylum would receive damaged provisions from the purchasing agent, and would have no temptation, as now, when he buys them himself, if damaged provisions should get into his possession, to feed them out to the beneficiaries under his charge. The most lib-

eral salary and expenses to such a purchasing agent would still leave a very large margin of saving to the State.

Provision might also be made to allow counties, cities and towns, and perhaps private charitable institutions, to make requisitions upon the purchasing agent of the State, paying on delivery the net cost of the goods to the State, including, *pro rata*, the expenses of the purchasing agent, thus supplying themselves at a cheaper rate.

I also earnestly advise that such several branches of the business of the Commonwealth, each for itself, shall be put under the control of some one competent man, who shall be made directly responsible to the people, or the executive chosen by them, for its administration.

Surely such men can be found in this Commonwealth, if anywhere on earth. If the treasury department of the United States, with its varied duties, powers and responsibilities, can be administered by a single secretary, none of the institutions of which I have spoken ought to be beyond the competency of one of the many highly intelligent men of this Commonwealth, of large business experience, who would manage the affairs of the State upon the same business principles, and with the same success, that he manages his own.

Boards composed of numerous members, while they are a better shield, are always the most cumbersome and expensive.

The cost of one man, whatever the State might pay him, would be the most economical in the end. Were one man managing, say the pauper branch of the business of the board of state charities, he would, from the very nature of things, have but few relatives, and still fewer personal dependents, for he would not dare to open himself to the charge of nepotism by placing them in public office. Nine men of the board would have nine times as many as one man would have, and only a ninth of the responsibility for what was done. If one of a board wishes to have his son or nephew employed, neither one of the associates can well object, because of official courtesy, and specially if the others, or any of them, desire the appointment of his or their friends and dependents.

I recommend, also, to give the Governor and his Council the power to summon witnesses and to take testimony as a court would have, to investigate abuses in the conduct

and administration of public affairs, and some power to apply the proper remedy, unless it is intended to put the whole Executive government of the Commonwealth into irresponsible commission. If so, abolish your Executive department and save its expense, because it is, in law and in fact, useless, and may not be ornamental.

CIVIL SERVICE REFORM.

I congratulate the Commonwealth that one branch of what is known in political circles as "Civil Service Reform," is, and has been, since 1879, in most full, efficient, and thorough operation in this Commonwealth, and that is, *fixedness of tenure of office*, as I have before demonstrated.

The "civil service reform" manner of appointment, by competitive or other examination, has been wholly ignored. On the contrary, the practice has quite generally obtained, of the officer having the appointment putting his wife, his son, his daughter, his son's wife, and his sister in office as assistants and clerks, and into other official and salaried places. Whole families are sometimes appointed to salaried places. Besides, the rule is, with hardly exceptions enough to prove its correctness, that all the salaried and paid officials, at least of the higher grades, have been, and are, of a given political faith. If it were profitable I could give very many instances in illustration of each of the truths above stated, and will do so whenever called upon.

In addition to these there are other defects in the civil service of the Commonwealth which need reformation very much indeed, which have never been discussed, so far as I am informed, even by any of the clubs of political reformers. Certainly they are of as great interest to the people of the Commonwealth as either of the other matters of civil service reform. They are these:—

First. There are very many more officers and salaried agents and employees in the Commonwealth than are necessary to do its business.

Second. They are paid, on an average, quite one-half more than the salaries for which competent persons could be obtained to do the same work, or which are paid in other like business by employers in the State.

I would therefore advise, as a measure of "civil ser-

vice reform," that at least one-third of the paid officials doing the business of the Commonwealth, who are not imbedded in the Constitution and cannot be reached by law, should be cut off by stringent enactments of law, and the salaries of the remainder reduced, on the average, at least one-half in amount and emoluments, travelling and official expenses. These latter items are a fruitful source of abuse.

If the legislature will cut down and limit the officers and salaried agents of the Commonwealth, and the amounts of their salaries, as I have indicated, and give power to the Governor so to do, he will undertake to carry on the needed business of the State with the reduced number of officers, agents and employees, and if the present officers and agents resign their places (which most of them will not do) on account of the reduction of their salaries, will fill their places, and any others which may become vacant, with equally good and efficient incumbents selected and appointed under the most carefully prepared rules of competitive examination, for the establishment of which he trusts the legislature will make provision. Especially would this be true in the higher grades of educational schools of the State.

Would it not be better to enact by law that two of a family, by blood or marriage, should not hold appointive office in the same department of the State government, like the provision adopted by the Senate of the United States in the bill recently passed by that body; and further, that if there are two or more already in, the one who appointed his relatives shall go out; because the appointment may not be the fault of the relative appointed, as in the case of a son who would feel obliged to obey his father. The same rule should apply where there has been an exchange of offices; *i. e.*, where the head of one department appoints the relative of the head of another department, who had appointed or will appoint the relative of the first to some office in his department.

There will be no need of any provision in this regard in relation to the military department, for it is already under the control of the Governor.

MORTGAGES ON REAL ESTATE.

By the benevolent spirit of the common law of England, in case of land mortgaged, a right of redemption remains in the debtor for three years. This was the law in this State until about 1835, when a practice grew up, unknown to the common law, of introducing power of sale into mortgages, by which, upon a certain notice therein contracted for, the mortgagee could sell the whole estate at auction, and return the balance, if any, which it brought over the debt and expenses, to the mortgagor. Afterwards, this practice was sanctioned by legislation, and that legislation grew more and more stringent in favor of the mortgagee, until 1879, when an act was passed, *to take effect upon its passage*, by which the mortgagor could be summarily ejected from the land after it was sold.

In practice now, all mortgages require a release of rights of homestead and dower by the wife, so that for a mortgage debt the family can be driven from their homestead after the shortest possible notice.

Whether the right of homestead should be permitted to be mortgaged at all, is a question of public policy which might well engage your attention.

As the mortgage is given only as a security for the debt, and as all the mortgagee ought to have is his debt, and as in practice, sanctioned by law, the mortgagor, or some one for him, is the buyer at the sale, I would recommend that a time of redemption, say one year, be given upon all mortgages of real estate, the mortgagor to retain possession after sale during that time, provided he pay a rental, monthly in advance, equal to the interest upon the debt, costs and expenses of sale, the property to be deeded to him by the purchaser at any time when he shall have paid the costs and expenses of sale, and the debt and interest for which the property is sold, within a year and a day. Land taken on execution for debt has this right of redemption. Why make a difference between the two classes of real estate securities?

TAXATION.

The amount of taxation collected for state, county, city, and town purposes, in 1882, as reported by the secretary of state, was \$26,090,000. The amount assessed directly

by the State, in addition to the above, was \$4,662,000, making a total taxation of \$30,752,000.

The legislature of 1881 enacted a statute which took effect on the first day of January, 1882, to apportion the taxation upon mortgaged estates between mortgagee and mortgagor, according to their respective money interest in the property, the sequence of which law was a decrease in the amount of taxable property secured by mortgage of nearly \$48,000,000. Of course there was no such amount of debt secured by mortgages collected in the Commonwealth in that year. What has become of it?

It is a misfortune which follows all taxation, and is as actual in this State as anywhere else, that a large proportion of the property escapes taxation; and that portion belongs to a class of citizens the most wealthy and able to pay taxes.

One method of such escape is to invest in property out of the State, *i. e.*, enjoy its benefits and escape its burdens. Another is to invest it in United States untaxable securities. Still another: the person who ought to be taxed makes his residence in a town other than where he does his business, and where he may escape taxation, which protects that business, by going into a town where a lower rate of taxation obtains. He thus can lessen his tax very considerably if he chooses the right town for a residence, because there is one town in this Commonwealth where the taxes are only \$4 on the thousand, and there is another where the tax is \$35 on the thousand.

The tax-evader makes a still larger deduction, being of large wealth, by making a bargain with the assessors of a town that he will move into that town if he should be taxed for a certain amount of property only; which sum, may make a very considerable addition to the taxable property of the town, and so the assessors make the trade. There was still another hiding-place, before the late law in regard to mortgaged real estate. It was the custom of the tax-shunners to invest money and take mortgages in the name of some friend or relative out of the State as trustee.

There would seem to be no promptings of conscience as to escaping taxation, because this is known to be done, and there have been convictions before the courts for doing it, by men who otherwise claim to be reputable, and

who make special assertions of their honesty and integrity.

Nothing can be more inequitable or unjust than these practices. Legislation should be framed with the utmost vigilance and stringency to correct or remedy them. "Equality of right and equality of burdens under the law" is fundamental. Such acts ought to be fully punished. The disastrous effect of this evasion of taxation is to throw all of the burdens of the government of the State upon its enterprise and business. They fall only upon property which is in the sight of the assessor, the manufactory and its supplies; the stock in trade; the buildings used for mercantile pursuits; the machine-shop and workshop, and their supplies; the dwelling-house, however spacious or humble; but, above all, upon the farm and its stock—every head of cattle upon which is numbered, the exact value of both being well known—and upon the investments of laboring men and women in savings banks and co-operative societies. So disastrous to many kinds of production is this matter that some States are obliged to relieve them from taxation to foster them, which only increases the burden on their other industries. So onerous is our taxation upon the agricultural interests, from which, as a rule, money comes slowly in, that the cultivation of farms is being to a considerable degree abandoned; and there are portions of the Commonwealth, where agriculture is the leading business, which have retrograded both in wealth and population.

During the preparation of this Address I have been asked to recommend some measure of aid to agriculture, through legislation. I know of but one, and that is the reduction of taxation. A sop thrown to farmers, in the shape of a few hundred dollars given to agricultural societies, "breaks the word of promise to the hope."

I know of no measure of relief which will reach the farmer, except relief from taxation.

To do that it may be necessary to extend to the farm, actually occupied and wrought upon by the owner, some exemption.

The law now exempts "a thousand dollars worth of household furniture to the householder, and three hundred dollars worth of tools to the mechanic."

I am aware of no correlative exemption to the working farmer; for his household goods are rarely worth half

that, and his stock less than one year old, and sheep and swine less than six months old, now exempted, will not average three hundred dollars in value.

We now permit property used in the production of beet sugar to be exempted from taxation; might not the same exemption be extended to the production of sugar from sorghum, which is claimed to be a coming industry?

If all the property in the State could be reached and proportionately taxed, even if our expenditures were not lessened, our taxes would be reduced one-half; they now being nearly equal to one-half the income received upon a perfectly safe investment in the public stocks. Why should not this be done? The neighboring States of New Hampshire and Vermont have already enacted some very carefully prepared, and as the result shows, effective legislation in that direction, which they are improving year by year, which I commend to your special attention. No candid man can state an objection to laws directed to the equalization of the burdens of taxation.

One of the best methods to lessen taxation is the strictest economy in making appropriations for public expenses, whether for State, county, city or town.

Let me repeat: Abolish all unnecessary offices and paid employments of the State, cut off all questionable expenditures.

The expenses necessarily attendant upon legislation are very large, and there is no easier way of reducing them than shortening your session. I know the legislators, staying here away from their homes and business, desire it, as you know your constituents so do.

FIRE INSURANCE.

The standard of the fire insurance companies doing business in the Commonwealth is deservedly high. By the discrimination made against the home fire companies by taxation, for a reason that I cannot discover, their business suffers in competition with foreign, *i.e.*, European companies, insuring here. The premiums paid in cash, for the year 1880, amounted to \$5,479,825. Of those premiums \$1,187,022 were paid to European companies. These companies pay to the Commonwealth a tax of two per cent. upon such premiums. The aggregate taxes paid by Massachusetts companies in various

forms under existing laws, have averaged for a series of years little less than five per cent. on their premiums received. Your attention is called to the reasons for this discrimination, and to provide, if wise, for an equalization of this taxation, which would add to the revenues of the State the sum of about \$25,000 annually.

RAILROADS.

Our railroads are working in a manner creditable to themselves and the State as carriers of passengers; certainly so far as the safety of the general public is concerned.

There is one matter, however, which I think the managers of every well-regulated railroad will agree with me needs attention, — the overworking of railroad employees who have to do with the running of trains, whether on them or as switchmen, gatemen, or station-men. Faithfulness, care and activity in all these are imperative for the safety of travellers. On some railroads these men work too many hours, and a number of accidents occur from their inactivity and exhaustion from this cause. I suggest that legislation be had by which no employee connected with the running of trains on any steam railroad should be employed more than ten hours in any one day, with a proper interval for food, except in case of accident or emergency. This would be economy in the management, because, to say nothing of regret for loss of life and limb to the passengers, a single accident would cost the road much more than an amount sufficient to duplicate even, the salaries of such employees for a considerable length of time.

To make this law self-executing would only require provision that in case injury came from the working of a train where any one connected with it had been employed more than that number of hours, such fact should be *prima facie* evidence of negligence on the part of the road.

The number of employees injured and killed during the year calls for legislative action. During the last year 198 were hurt on the roads in this State, of whom 56 were killed. Nor is this an unusual number of such fatalities. A very considerable portion of these accidents happened in the coupling and uncoupling of freight cars.

Are not such accidents preventable? If so, preventable accidents become crimes. If railroad managers were as careful of the lives and limbs of their employees as the verdicts of juries have made them of the safety of their passengers, some means of automatic coupling and uncoupling cars would have been adopted. May not legislation require it?

A part of this carelessness as to the safety of the employee has arisen from the interpretation of the law that employees insure each against the carelessness of the other, and the company is not liable. How far this rule ought to extend when the employees are co-operating together to perform a given service for the road at the same time is one question, but quite another when the employees are not so engaged. I submit the rule ought not to apply in the latter case. For example, if an employee is riding in the car on the business of the company, or his own business, by permission of the company, going to his home, which privilege may in fact be a part of his compensation for services, he having nothing to do with the working of the train,—should he not rather be considered a passenger when the rules of law are applied to him?

There are foreign railroad corporations operating trains within this Commonwealth. Would it not be better that some legislative provision should be made requiring them to give security to indemnify any person injured by their operation? There are claims now existing where there is practically no remedy for such class of injured persons.

PUBLIC CORPORATIONS.

Under this head I class all those corporations which serve the public and have, under the law, a right to use the public property in carrying on that service.

The people of the Commonwealth and their representatives have a right to know the exact condition, standing, earnings, disbursements, dividends and conduct of all such corporations. Some of them, for example the railroads, are obliged to make and do make full and satisfactory returns to give such information. I suggest that like provisions be extended to gas, telegraph, telephone, passenger steamboat, water supply and other like companies.

EDUCATION.

Massachusetts has claimed, and justly, as large a proportionate expenditure of money on the education of her children as any State in the Union. From the long continuance of her government, the substantial stability and compactness of her population, the influence of this vast expenditure upon the education of her people, if efficiently and properly administered, should appear in a more extended as well as higher educational standard of her citizens.

Such result is especially necessary to her people, because she has by constitutional enactment made reading and writing a pre-requisite to suffrage.

I assume that all will agree that the instruction to be furnished by the State, derived from the resources and taxation of all, should be equally for the benefit of all.

Any system of education which takes from such fund, belonging to all, for the special education of a few, which is not and can not be given to all, is a misappropriation. It should be the aim of the State in education, as well as in everything else, to raise up the mass of her citizens to the highest possible plane. If the substratum is raised, all above it will be raised in equal degree.

There are two States in the Union—Iowa and California—which appropriated for 1880 more money *per capita* for education than Massachusetts. It appears by the report of the commissioner of education for 1880, that the State of Iowa expended for education the total sum of \$5,621,248; and that Massachusetts expended the sum of \$5,156,731. The population of Iowa was 1,624,619; the population of Massachusetts was 1,783,085, — not far from equal.

In 1880 the native-born population of Iowa above ten years was 926,301. The native-born population of Massachusetts above ten years was 1,005,576. Or, Iowa had 75+ per cent. of such native-born population, while Massachusetts had 70+ per cent., or 5 per cent. less than Iowa.

Now the illiteracy of Massachusetts, *i.e.*, those of ten years and upwards who could not read, was by the same census 5.3 per cent.; and the illiteracy of Iowa by the

same census was 2.4 per cent., or 2.9 per cent. less than Massachusetts.

This difference of illiteracy as against Massachusetts in the comparison between her and Iowa cannot be accounted for from the fact that Massachusetts had more foreign population, because the excess of our foreign population was only 5 per cent. over Iowa, which would only reduce the per cent. of illiteracy in favor of Iowa and against Massachusetts to 2.32 per cent.

What distinguishing difference is there in the systems of education of the two States in their administration? Iowa, of the \$5,621,000 expended for educational purposes, expended only \$2,901,948, for salaries, including superintendents; while Massachusetts, of \$5,156,000, expended \$4,494,225 for salaries for teachers, including expenditure for apparatus and school-books.

Cost to Iowa *per capita* of her school population, \$8.17; Massachusetts, \$14.91.

Iowa paid an average of \$31.16 per month per male, and \$26.28 for female teachers. Massachusetts paid an average of \$67.54 per month for male, and \$30.59 for female teachers.

One noticeable fact will appear from these figures: that not only is the percentage of illiteracy less in the State where the salaries of teachers are less, but while the amount paid for salaries and other expenses in Massachusetts has been steadily increasing for years, the percentage of illiteracy has not decreased with equal step.

Boston affords a curious illustration of the increase in cost of teaching in her schools. I take that city for illustration, because she has every class of schools; they are claimed to be the best in the Commonwealth, and the city has quite one-fifth of our population. In 1854-5 the whole number of day scholars was 22,528; the salaries of teachers, officers, and school committee, \$198,225; the net rate per scholar, \$10.94; the total expenditure, \$274,847. In twenty years, 1874-5, the whole number of day scholars and evening scholars, 46,464; salaries of teachers and officers, \$1,249,498; rate per scholar, \$36.54; total expenses, \$2,081,043. Increase in number of scholars, 106.7 per cent.; increase in cost of teachers, 530.3 per cent.; increase in cost per scholar, 231.6 per cent.; increase in total expenses, 657.1 per cent.

As an example of what these expenses consist, I give the following items :—

Superintendent,	\$4,200 00
Six supervisors, at \$3,780 each,	22,680 00
Secretary,	2,000 00
Auditing clerk,	2,000 00
Assistants,	2,400 00
Copyist,	720 00
Messenger,	1,400 00
16 truant officers,	18,360 00
Salaries of instructors of high schools,	153,830 74
Special instruction in music,	10,920 00
Tuning pianos, covers and repairs,	1,321 00
Drawing schools,	11,136 00
Drawing, penmanship, etc., normal,	1,380 00
Military drill, armory and calisthenics,	3,111 40
Instruction in French,	3,870 00
Instruction in German,	952 00
	<hr/>
	\$240,281 14

Some of the matters to be taught, as the teachers are examined in them, are music, drawing, physiology, physics, botany, zoölogy, geology, astronomy, chemistry, psychology, Greek, Latin, French and German.

But the spelling-book is banished.

It will be observed in this list of studies, and the list of salaried teachers, that while drawing is taught at great expense, there only appears the sum of \$1,380 that has any relation to penmanship, and that in the normal school. Nor is there any provision for teaching book-keeping, even in the lower and most simple forms; and the same may be said of other cities in Massachusetts. Now, we know it to be true, as a fact, that in almost all the cities and many of the large towns of the Commonwealth, there are private schools to teach book-keeping and the manner of transacting commercial business, sometimes called commercial colleges, and whose advertisements and circulars show that they claim the necessity for their existence is, that such branches are not taught in our schools. Why not, rather than physiology and psychology? And the pupils in those schools are usually graduates from our high schools, where these fancy branches I have named are taught.

I submit these are not subjects to be taught in a common-school education; certainly not until the high percentage of illiteracy in Massachusetts, *i. e.*, persons ten

years of age and up who cannot read, of 5.3 per cent., is brought down to the grade of a far western new State, hardly yet wholly reclaimed from the wilderness, Iowa, which has 2.4 per cent. of illiteracy.

Notwithstanding all boasts of what we had been led to believe was rightful of our school system and schools; in spite of the learning and culture of Massachusetts; of our enormous outlay, — more in proportion than any of the other States, save two, one of which, California, is more illiterate than we are in percentage, — Massachusetts has a greater percentage of her citizens who are illiterate, *i.e.*, above the age of ten years, who cannot read, than the States of Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Vermont, and Wisconsin, so that she is the nineteenth State in the illiteracy of her population of the thirty-eight.

The deductions which I make from these facts are :

First, That we have schools for special classes which draw from our general school funds, which should be for the use of all alike, by far too much.

Second, That the salaries of the principals in most of the higher schools, teachers and supervisors are very much more than they ought to be. Or, to use other words to express my meaning, higher than other like business pays, and higher than the sum for which equally good services could be, and are, obtained. As a rule, salaries do rise, but rarely or never lower; and the larger the salaries the more surely this rule works.

But this is not true of the teachers in the lower grades, of whom more than 84 per cent. are women, whose salaries, in comparison, are by far too low, being, as we have seen, only 44 per cent. of the salaries of men. I believe that the best teachers are wanted for the lower grade schools, and that a woman who can teach successfully such schools does the most service to the State, and ought to be correspondingly paid therefor.

Not till after the children of the whole people are furnished with opportunities to have the rudiments at least of an education, such as will best fit them for the positions they must occupy—and the statistics show that 91 + per cent. of them have gone from school to their avocations in life at the age of fifteen — should the higher

branches of education be given to any, and when given, equally to all, only so far as they can be afforded within the limits of proper, nay, generous taxation.

To state my views in another phrase: as a prevention of pauperism and crime, to fit our people for suffrage, use all the educational force of the State, educate the masses up to a certain necessary point. The classes above will and ought to educate themselves up to a still higher point.

Do not take the common fund and give it to the few, or have it expended in such a manner that all cannot equally enjoy its advantages; and, above all, have that expenditure an economical one, and not pay low salaries to the teachers of the many, and high salaries to the teachers of the few.

It is impossible to pursue this subject, in all its ramifications, in the limits of this Address. I give you some of the results of a somewhat patient investigation.

In order that I cannot be misunderstood when I say that our school-fund money is diverted extravagantly from the many to whom it does belong, to the use of the few to whom it does not belong, I illustrate this topic by the facts concerning an industrial school established in this State in 1873, under the name of the State Normal Art School. It had been in existence eight years up to the time of which I have a report. During its existence the whole number of pupils resident in Massachusetts had been 1,047, an annual average of 131, who attended it for any time at all. Of the whole number 42 resided outside of the State. Most of its pupils attended the school a very short time each. Only *seventeen* of the whole number graduated from the full course, and only a small part of the whole number were ever qualified to teach in one or more branches of art education. Of the total number of pupils residing in the State, to wit, 1,047, 839 came from *two counties*, and 44 only came from six other counties of Massachusetts, or only two more than those who came from other States. Can such a school as that be deemed to be a common school of Massachusetts, equally open to all her citizens, or is it a special and very uncommon school, for a few only?

Each Massachusetts scholar ever in that school has cost the State \$128.46, being his proportion of \$134,507.16 which the school has cost the State during eight years.

A large proportion were evening scholars ; the percentage of whom was 30, in 1881. It is fair to conclude that the same percentage obtained during the eight years of its existence.

Ought the common-school fund, or money derived by taxation, to be given to such a school? Are the branches of learning taught in it those necessary to the common education for the whole people?

A committee of the late legislature made an investigation of this school and I give an extract from the report of the minority of the committee which is not in conflict, as to facts, with the majority report : —

“What the Commonwealth needs, and all that it ought to foster, in the way of art education, is that part of it directly relating to its industrial interests. For this the school was established. From its original and ostensible design it has widely departed. How, for instance, teaching water-color [painting], modelling in clay, and modelling from the nude human figure, has any connection with industrial education, it would be difficult to imagine.”

I read from the report of the majority these words, which may or may not refer to what I have quoted from the minority : —

“Many things connected with the case should be left to fade into oblivion as unfortunate occurrences which cannot be too soon forgotten.”

Should there have been taken from the educational funds of the Commonwealth \$10,696.42, for salaries of teachers alone in a single year, and \$5,234.37 for other expenses, making a total of \$15,930.79, for such a school of such usefulness? Is the poll-tax to be wrung from the earnings of the laboring man to support, under penalty of disfranchisement, this school? The primeval curse was, “In the sweat of thy face shalt thou eat bread,” not to teach the youths of other States to model nude human figures in clay.

This art school was under the control of a Board composed of some of the best and purest men of earth. Their very purity and goodness was the shield which made its existence, and what was done in it, possible.

The State has five normal schools which it carries on from the common-school fund. In 1881 those schools had 836 scholars (about two-thirds of whom were young

women), of which total number 184 were graduated. The expense per average scholar to the State was \$73.85, of which expense \$61.63 was for salaries of teachers, the total expense being \$61,760.79. Assuming that a corresponding number will be graduated every year, then the whole cost to the State of each graduate will be \$335+; to this I do not add the cost of the land, and the very large establishments built by the State for these schools, because, I am informed by the auditor's reports that the "value of the five normal school establishments has not been ascertained."

What right had these 184 young men and women to so expensive an education out of the common-school fund, at the hands of the State?

Honorable Senators, and Gentlemen of the House of Representatives: What is the practical solution of the educational question? Take the matter into your own hands. You are practical men. You know what kind of an education the people need and ought to have. Restrict the branches taught in the primary schools by law specifically to spelling, reading, writing, grammar, arithmetic, geography, history,—preferably of the United States—and require that those shall be taught upon the same system, to the same grade of scholars, in every common school in the Commonwealth. When the scholar can show by an examination that he is well grounded in the elementary English branches, then let him be admitted to a school of higher grade, where line-drawing for industrial purposes shall be taught, book-keeping, algebra, geometry, the rudiments of the Latin and French languages, chemistry, physics, with natural philosophy in a rudimental degree; and there a common-school education should stop. When by this system of schools we have brought Massachusetts from her present position to be the first State in the Union in the reading and writing of her citizens, there will be somebody here, doubtless, more competent to advise what is best to be done.

Legislators: I have presented the result of my best thought upon the topics occurring to me as of interest to you, and the discussion of which would benefit the State. Time has not been possible to me to give to them the needed care, classification, and condensation. It has been

my endeavor to exclude therefrom every partisan consideration. I have every inducement and no temptation to do otherwise, for I much desire that my suggestions shall have weight with all of you. From my recommendation no personal advantage can come, for I now and here declare that I have neither wish nor intention again to ask the suffrages of the people of the Commonwealth for the position I hold ; for which high honor I am filled with the most profound sensibility. It is both my pleasure and duty to give one year of the best energies of my life to the service of the Commonwealth, thereby to pay the earnest penny of my gratitude.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the Senate and House of Representatives: transmitted by His Excellency
Benjamin F. Butler, Jan. 15.]

I have the honor herewith to present, in compliance with chapter 50 of the resolves of 1860, a report of the thirty-eight pardons issued by the Governor and Council during the year of my administration just closing.

JOHN D. LONG.

Pardons.

No. 1. WILLIAM HENRY HALE. Sentenced Nov. 23, 1881, District Court of Central Berkshire, for cruelty to animals, to three months in House of Correction. Pardoned Jan. 5, 1882, on recommendation of the judge who tried the case; excessive sentence having been imposed through a mistake of the facts.

No. 2. THOMAS POORTELL. Sentenced January, 1874, Superior Court, Berkshire County, to the State Prison for life, for complicity in robbing one Rhodes of a silver watch and other articles, in a drunken affray. Pardoned Jan. 25, 1882. From the testimony of Mr. Thayer, who prepared the case for the government in the inferior court, and of Mr. Stearns, the district attorney who secured the conviction in the Superior Court, it appeared that Poortell, a young man of twenty-three years, being under the influence of liquor, was an accomplice of a greater criminal, one Bernard Haggerty, who is now in the State Prison on long sentence for other crimes. At the time of the conviction the penalty provided by law was imprisonment for life. The circumstances of the crime were such

as appeared from the testimony of the same government officers that if the court could have exercised any discretion as to the term of imprisonment, not more than a few years' sentence would have been asked for by them. Since then the law has been changed, reducing the penalty from imprisonment for life to a term of years, determinable by the court. Poortell has already been in prison eight years,—equal, with the allowances for good behavior, to ten; and, making every allowance for his worthlessness and guilt, the Committee on Pardons, concurring with the district attorney who tried the case, recommend the pardon of Poortell, the change of the law justifying them in exercising the discretion which at the time of the sentence could not be exercised by the court. Parties from North Adams who appeared to represent the opposition to the petition, withdrew their objection after hearing the case. Poortell was a resident of Troy, N. Y., and a certificate was filed by a manufacturer of that city, agreeing to employ him there. New testimony was also introduced of a credible witness who saw the transaction, but who said he did not dare testify at the trial for fear of Haggerty, which tended to show that Poortell was not a party to the crime till after the robbery. Pardons.

No. 3. LAWRENCE QUINN. Sentenced April 11, 1881, Superior Court, Norfolk County, for two years to the House of Correction, for breaking and entering a blacksmith's shop, and stealing twenty-one dollars' worth of iron. Pardoned March 4, 1882, solely on certificate of the physician that the convict was mortally sick with pulmonary consumption, and could not survive his sentence. The master of the House of Correction, and the party, whose property was taken, joined in the petition. He died in June following.

No. 4. JOHN KENNEY. Sentenced October, 1880, Superior Court, Middlesex County, for breaking and entering, to three years in House of Correction. Pardoned April 1, 1882, on recommendation of the prison physician, as the prisoner was very low with consumption, and would not live till the expiration of his sentence, if obliged to remain in prison. Dr. Latimer of East Cambridge confirmed this statement. Mr. McCaffrey, the person

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whose property was taken, appeared and joined in the prayer for pardon.

No. 5. THOMAS MURPHY. Sentenced, Sept. 16, 1881, Superior Court, Suffolk County, for assault, to House of Correction for two years. Pardoned April 10, 1882, on recommendation of the master of the House of Correction, the physician of the institution, and the district attorney, solely because of the necessity of a surgical operation which could not be properly performed without taking Murphy to the city hospital. This transfer could only be made by granting a pardon. The operation necessary consisted either of removing the knee-joint, or cutting off the leg.

No. 6. DENNIS GREEN. Green was convicted of rape in December, 1870. He was pardoned Feb. 4, 1876, with the concurrence of the district attorney, upon evidence which satisfied the Governor and Council of that year that he was entitled as of right to his release. The pardon contained the usual condition, that if convicted thereafter of any crime punishable by imprisonment, he should serve the remainder of his sentence. In October, 1879, Green was convicted in the District Court at Fall River of a petty theft, and fined \$15 and costs, and in default thereof committed to the House of Correction. For this breach of the conditions of his pardon, he was, after his term expired in the House of Correction, recommitted to the State Prison upon his original sentence, where he has remained now for more than two years. If entitled to the pardon granted him by the Governor and Council in 1876, upon the grounds then given, there is no justice in punishing him a second time for an offence already expiated. If deserving of punishment for breaking the condition upon which he was released, the more than two years already served is a sufficient penalty. Pardoned April 12, 1882.

No. 7. JOHN JONES AND MICHAEL SULLIVAN. Convicted Jan. 4, 1882, District Court, Eastern Hampden, of being tramps, sentenced to House of Correction for six months. Pardoned April 12, 1882, on the certificate of the opinion of the county commissioners of Hampden County that the parties were innocent.

No. 8. JAMES T. POWERS. Sentenced December, 1881, by Trial Justice Ely of Dedham, for vagrancy, to ten months in House of Correction. Pardoned April 19, 1882, on recommendation of the master of the House of Correction, Dr. Miner, and many prominent men, the defendant being entirely innocent of any crime, a clergyman of good character, and overtaken by poverty; and the gentlemen who asked for his pardon standing ready to provide for him. Pardons.

No. 9. JOHN E. MICHARD. Sentenced Feb. 4, 1881, Superior Court, Essex County, for eighteen months to the House of Correction, for larceny of a trunk and contents. Pardoned May 5, 1882, on the recommendation of the assistant district attorney, Sheriff Herrick, the city marshal, and the chaplain and keeper of the House of Correction. With the allowances for good behavior, only one month of the sentenced remained. It was a peculiar case. Michard, up to the time of his offence, was an industrious, well-behaved man. He moved from Lynn, where he took the trunk, to Fall River; found good employment there; but, at the end of eight months, though no suspicion attached to him, came back voluntarily, confessed his guilt, restored the trunk and its contents, and took his sentence. The Governor and Council, therefore, as soon as the case was brought to their notice, relieved him from the remaining month of his sentence, which, in any view, seems to have been too long. Michard had a dependent and needy family.

No. 10. QUINLAN LEARY. Sentenced June 21, 1880, Superior Court, Bristol County, for three years (two indictments) to House of Correction, for breaking and entering. Pardoned May 10, 1882, with the concurrence of the district attorney, and on the certificate of the prison physician, on account of serious illness, which promised a fatal termination if the petitioner was longer confined.

No. 11. JEREMIAH CONNERS. Sentenced Feb. 6, 1880, Superior Court, Essex County, for three years to House of Correction, for larceny. Pardoned May 24, 1882, on the earnest recommendation of the master of the House of Correction and the physician, that he was in

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advanced stage of consumption, and liable to speedy death.

No. 12. CORNELIUS LUCY. Sentenced Jan. 16, 1882, Superior Court, Suffolk County, for two years in House of Correction, for lewd and lascivious cohabitation. Pardoned May 24, 1882, upon the recommendation of the Directors of Public Institutions of Boston, and the certificate of the physician of the House of Correction, that the prisoner was in the very last stages of consumption, and could live but a short time. He died May 30, 1882.

No. 13. JAMES CRAWFORD. Sentenced Oct. 21, 1881, Superior Court, Essex County, for one year to House of Correction, for larceny. Pardoned July 19, 1882, after an investigation by the Councillor from that district, on the ground of excessive sentence. The property stolen was a lasting-jack, valued at \$3, belonging to a fellow-workman, and taken from the shop where both worked, by the convict when intoxicated. His employer appeared, and offered to take him back to work.

No. 14. WILLIAM MARTIN. Sentenced Sept. 19, 1879, Superior Court, Bristol County, for five years to House of Correction, for breaking and entering. Pardoned July 30, 1882. The prisoner and one Chase committed the crime. They were sentenced at different terms of court. Chase's sentence was for three years, and Martin's, by another judge, under exactly the same circumstances, for five years. This was so egregiously unjust, that, with the cordial concurrence and recommendation of the district attorney, Martin's sentence was commuted to three years; and, with the allowance for good behavior, he was pardoned as of the date last above recited.

No. 15. JOHN T. RINGELS. Sentenced Dec. 13, 1881, Superior Court, Bristol County, for eighteen months to House of Correction, for attempting to pass counterfeit money. Pardoned July 31, 1882, on the ground of incurable sickness, certified to by Drs. John H. Mackie and M. H. Leonard, physicians at the New Bedford House of Correction. Pardon was recommended by them, and concurred in by Hon. H. M. Knowlton, district attorney.

No. 16. PATRICK KELLY. Sentenced March Term, 1881, Superior Court, Suffolk County, for twenty-five months to House of Correction, for breaking and entering. Pardoned Aug. 3, 1882, on the recommendation of the master and physician of the House of Correction, on the ground of incurable consumption. Pardons.

No. 17. JAMES C. MURPHY. Sentenced Nov. 14, 1881, Superior Court, Suffolk County, for one year to Suffolk Jail, for larceny in a building. Pardoned Aug. 26, 1882, on certificate of the physician that Murphy was in "consumption, and has only a short time to live." The district attorney and keeper of the jail joined in the prayer for pardon.

No. 18. MARY J. McLAUGHLIN. Sentenced April 19, 1882, Municipal Court, Roxbury District, for one year to the Reformatory Prison, for being a common drunkard. Pardoned Aug. 31, 1882, at the request of her husband, who was the complainant, and with the recommendation of the judge; the woman being about to give birth to a child. The husband is a man of character and abundant means, and desired to save his child the disgrace of being born in the State Prison.

No. 19. THEOPHILUS YOUNGS. Sentenced Aug. 11, 1882, Municipal Court, Boston, to pay a fine of \$50 and costs (and in default of same was committed to the Suffolk Jail), for larceny. Pardoned Sept. 12, 1882. Youngs was convicted of stealing \$25. After his conviction the money which he was charged with stealing was found by the persons who accused him where they had themselves put it. At their request and personal intervention, he was pardoned, being clearly innocent.

No. 20. CHARLES OAK. Sentenced August Term, 1880, Superior Court, Suffolk County, for three years to the House of Correction, for polygamy. Pardoned Sept. 12, 1882. The Committee were satisfied that the defendant's second marriage was in good faith, and in ignorance of the law; and that, having been in prison more than two years, further imprisonment would be excessive. Oak has two children by his second wife (one continuously sick), a very respectable and deserving

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woman, whom he now can and will marry within the time allowed by the statute, his first wife having some time ago obtained a divorce from him.

No. 21. DANIEL HURLEY. Sentenced Oct. 29, 1880, Superior Court, Middlesex County, for two and a half years to the House of Correction, for breaking and entering. Pardoned Sept. 20, 1882, solely on the certificate of the prison physician that the convict was mortally sick with consumption, and could live but a few weeks. The district attorney concurred in the recommendation of the physician.

No. 22. MARTIN JENNINGS. Sentenced, May Term, 1882, Superior Court, Hampden County, for six months to the House of Correction, for violating license law. Pardoned Sept. 28, 1882, on the ground of dangerous illness, and necessity for treatment outside of House of Correction. The pardon was recommended by the district attorney, a probation officer, and the prison physician.

No. 23. CORNELIUS HORAGAN. Sentenced, August Term, 1881, Superior Court, Suffolk County, for two years in the House of Correction, for breaking and entering. Pardoned Sept. 30, 1882, after a personal investigation by one of the members of the Council, and upon the recommendation of the master of the House of Correction and the prison physician, the prisoner being in the last stages of consumption, and liable to speedy death.

No. 24. WILLIAMS J. GRAVES. Sentenced Aug. 4, 1882, First District Court, Eastern Middlesex, for assault, to four months imprisonment in House of Correction, and to pay a fine of \$30 and costs. Pardoned Oct. 26, 1882, at the request of the judge who sentenced the prisoner; and who stated that he was misinformed as to the facts when sentence was passed.

No. 25. CHARLES E. WHITE. Sentenced, July Term, 1882, Superior Court, Suffolk County, for embezzlement, to one year in House of Correction. Pardoned Oct. 26, 1882, at the personal and written request of the district attorney who tried the case.

No. 26. JOHN O'HERN. Sentenced July 20, 1882, ^{Pardons.} Superior Court, Berkshire County, for larceny, to nine months in House of Correction. Pardoned Oct. 27, 1882, at the special recommendation of the district attorney who tried the case.

No. 27. ANDREW J. GILSON. Sentenced Nov. 27, 1878, Superior Court, Plymouth County, for attempting to procure an abortion, to six years in the State Prison. Sentence commuted to five years, upon the recommendation of nearly all the jury, there being reason to doubt whether the prisoner intended the crime charged.

No. 28. FREDERICK S. BLODGETT. Blodgett was convicted of rape in 1868, and sentenced to the State Prison for life. He was pardoned Oct. 30, 1874, on the recommendation of the then district attorney, there being some doubt as to the crime committed. The pardon contained the usual condition, that, if convicted thereafter of any crime punishable by imprisonment, he should serve the remainder of his sentence. In the spring of 1882 he was convicted of taking and driving away a horse and carriage, and sentenced to the House of Correction in Worcester for two months. This, though a light offence, was a breach of the condition of his pardon, and July 22, 1882, he was recommitted, after the expiration of the last named two months' sentence, to the State Prison, in pursuance of his original sentence. If entitled to the pardon granted him by the Governor and Council in 1874, upon the grounds then given, there is no justice in punishing him a second time for an offence already expiated. If deserving of punishment for breaking the condition upon which he was pardoned in 1874, the three months already served is perhaps a sufficient penalty. In view of this, and of the recommendation of the officials, the parties owning the property, and other leading citizens, a pardon was issued Nov. 4, 1882.

No. 29. WILLIAM EDWARDS. Sentenced May 22, 1880, Superior Court, Hampden County, for larceny, to ten years in State Prison. Pardoned Nov. 16, 1882. Edwards has been a painful sight in the hospital, lying on his bed there for over two years. Pardoned on physician's certificate that he has Bright's disease and is liable to die

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any day, and on the agreement of friends to take him. He died Dec. 1, 1882.

No. 30. WILLIAM E. COGGESHALL, *alias* BARRY. Sentenced May Term, 1882, Superior Court, Suffolk County, for larceny, to one year in the House of Correction. Pardoned Nov. 21, 1882, on recommendation of the district attorney and of the chairman of the Board of Directors of Public Institutions of the City of Boston.

No. 31. JOHN T. MANNING. Sentenced Dec. 24, 1880, Superior Court, Hampden County, for larceny, to three years in House of Correction. The boy being in feeble health, and having served two-thirds of his time, was pardoned Dec. 1, 1882, on the special inquiry and request of the probation officer in Springfield, charged with such cases. The pardon was recommended by the prison physician, the sheriff and master of the House of Correction, the chaplain, probation officer, and the district attorney.

No. 32. JOHN ROBERTS. Sentenced Jan. 27, 1882, Superior Court, Worcester County, for larceny, to one year and eleven months in House of Correction. Pardoned Dec. 8, 1882, on recommendation of the district attorney, the sheriff and the physician, it appearing that Roberts was in very feeble health, and it also appearing from the affidavit of two others, who were convicted with him, that they, and not he, were guilty of the larceny.

No. 33. BRIDGET GAFFNEY. Sentenced January 28, 1882, Police Court, Lawrence, for drunkenness, to two years in the Reformatory Prison for Women. Pardoned Dec. 8, 1882, at request of the Commissioners of the Prison, her son taking her to his home in Wisconsin. As the sentence, half of which had expired, was made a long one solely with a view to her reformation, the Commissioners were of opinion that this would be promoted by her removing from the Commonwealth and her former associations, and living with her son.

No. 34. JOSEPH D. KING. Sentenced May 23, 1876, Superior Court, Hampden County, for receiving stolen goods, to ten years in State Prison. Twenty-five years

old. Pardoned Dec. 20, 1882. The district attorney Pardons. who tried the case reported that the articles stolen, being of no great value, were stolen by a woman from the rooms of a hotel in Holyoke, and were received from her by King, who was there with her, and who had previously resided in New Haven, Conn. At the trial he was without counsel, pleaded guilty, and received, what in view of the circumstances, and in comparison with usual sentences, seems an unaccountably excessive sentence of ten years. The mayor and many of the leading citizens of New Haven certified in his behalf. The district attorney aforesaid recommended a pardon.

No. 35. LUCIUS W. POND. Sentenced Jan. 25, 1876, Superior Court, Worcester County, for forgery, to fifteen years in State Prison. Pardoned Dec. 25, 1882, as an act of clemency on Christmas Day. The pardon was requested by the almost unanimous sentiment of the city of Worcester, in which Pond resided, and by nearly the entire number of creditors. The district attorney, who tried the case, now a judge of the Superior Court which pronounced the sentence, certified "that in his opinion, upon a careful review of the facts, justice had been answered by the punishment already suffered."

No. 36. PATRICK WHALEN, PATRICK DWYER AND THOMAS O'CONNELL. Sentenced Jan. 7, 1882, Superior Court, Hampshire County, for setting fire to a saloon, for three, two and a half, and two years, respectively, in the House of Correction. Pardoned Dec. 27, 1882. From the uncontroverted representations and petition of the leading citizens of the vicinity, and an examination of the facts and of the detailed report of the district attorney, there was not sufficient evidence that the prisoners were guilty of the crime at all.

No. 37. EDWARD J. CAMPBELL. Sentenced Oct. 29, 1878, Superior Court, Middlesex County, to ten years in the State Prison, for setting fire. Pardoned Dec. 30, 1882, it appearing from testimony of his employers, a leading firm in Lowell, whose property was the subject of the offence, that Campbell committed it without malice, when intoxicated. Little damage was done. He was an industrious man, with a worthy, dependent family;

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and his employers, to whom he was much attached and whom he injured without knowing that he was doing so, cordially recommended his pardon, agreeing to do all they can to surround him, if released, with good influences. The mayor and other city officials joined in the recommendation, the city marshal being himself present at the hearing.

No. 38. PHILIP S. RILEY. Sentenced June 12, 1880, Superior Court, Middlesex County, for setting fire to a barn, to five years in the House of Correction. Pardoned Jan. 2, 1883, on petition of the mayor and leading citizens of Lowell, including the city marshal at time of the conviction, it appearing that Riley was a young man, according to the district attorney of "rather a weak mind," and according to other witnesses, who had known him for years, as "of such weak intellect as to be hardly responsible for his acts." The damage was to an out-building, and the loss was very small, the owners joining in the petition for pardon.

[To the House of Representatives, Feb. 6.]

Wrecks and
other Obstruc-
tions to Naviga-
tion.

My attention has been called by the Harbor Commission to a matter which seems to need legislation in order to protect our harbor and shipping.

We have, under our laws, wreckmasters; but their jurisdiction does not meet the evil, and so far there is no power in them, or jurisdiction or power given to the Harbor Commissioners to deal with the trouble, which is this:

A vessel comes into a harbor, and may, at its very mouth, or anywhere else in the channel, as has been done in many instances, become a wreck, and sink, especially from leakage. If neither the owner nor underwriters care to go to the trouble and expense of removing her, I am not aware of any provision of law by which he or they can be compelled to so do, except, possibly, by suit; by which suit compensation may be obtained: but the compensation affords no protection to the mariner who may run into the wreck in the night-time, or when in a fog.

I suggest, therefore, that this is a matter to be examined into by the legislature, and legislation enacted

by which the Harbor Commissioners shall have the authority to remove such wreck or obstruction, after having given notice—and the notice should be a pretty summary one—to the owner or underwriters what to do; and the owner or underwriters should be forbidden to take anything from the vessel until they have given bond, to the satisfaction of the Harbor Commissioners, that they will raise her. The method generally adopted is to strip her of anchors, chains, sails and spars, which latter may serve as beacons, and then the sunken hulk is left in the channel to destroy still other vessels.

Wrecks and
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tions to Naviga-
tion.

In case the vessel is not raised by the owners or underwriters, then the Harbor Commissioners should have the right to sell her to any person who will raise her, at their discretion, or to raise her themselves and sell her after being raised, to reimburse the expenses.

And if the amount realized by the sale be not sufficient to pay the costs, an action should accrue to the Commonwealth, to be brought by the Harbor Commissioners in the name of the Commonwealth, and conducted by the district attorney in whose district the trouble happens, to obtain reimbursement for the expense.

It will readily be seen that, in addition to legislation, some appropriation should be made—and it should be for a very considerable amount—to do this most necessary work; the money not to be drawn from the treasury except upon vouchers showing the work performed.

I can conceive of nothing more necessary, because, although the general government has, in some instances removed wrecks situated as I have indicated; yet that is never done until a special appropriation is made for that purpose. This is quite too tedious a process to await, even if it is done at all.

I am not aware of any law that makes it the duty of the United States to remove such wrecks within a marine league of the shore, and of course they are not usually troublesome beyond that. If there is any such duty devolving upon the United States, why, of course, the State would be reimbursed for doing what the United States ought to have done.

This would be especially advantageous to the United States, because it is well known that, unless a wreck is speedily removed, it forms the nucleus of an embankment of sand which so covers it up as to render the process of

Wrecks and
other Obstruc-
tions to Naviga-
tion.

removal very expensive, it being necessary, in some instances, to even resort to the explosion of dynamite and other explosives under it, and even those agents will hardly blow to pieces a wreck so imbedded.

If the wreck is taken in hand at once by intelligent, competent men, such as we must assume our Harbor Commissioners to be, the vessel, if it would not pay the cost of raising, would be, at a very small expense, blown to pieces and gotten out of the way, after the apparel and equipments had been removed; and these latter would probably largely reimburse the expense.

I am not aware of any one thing to which I can properly call the attention of the legislature more necessary for the safety of our commerce, and giving greater protection to the lives and property of those who "go down to the sea in ships," than judicious legislation upon this subject, thoroughly executed.

[To the Senate and House of Representatives, Feb. 9.]

Rhode Island
Boundary.

I have the honor to enclose herewith the Report of the Commissioners on the Rhode Island Boundary, and also a proposed bill for settling that boundary according to the report of the commissioners.

As the matter is now before the legislature of Rhode Island, and, as I understand, that legislature is taking action upon it, it may not be inconvenient that the legislation of the two states should go on *pari passu*, in order that a vexed question, of many years' standing, may be amicably and quietly brought to a close.

[To the House of Representatives, Feb. 23.]

Agricultural
College.

I have the honor to transmit herewith the twentieth annual report of the trustees of the Massachusetts Agricultural College, and in so doing I take leave to more than make a formal transmission of that document to the House. I especially call attention to its contents, and submit that in the opinion of the Executive it would be for the benefit of the people of the Commonwealth, that a very considerable number of copies of it should be printed and widely distributed.

I am convinced, both from the state of my own knowledge heretofore, of the Agricultural College, and from conversation with several gentlemen of intelligence, that that institution is entirely misunderstood as to its pur-

poses, its methods of instruction and the scope of its educational power. A too commonly received opinion seems to be that at that college only some information is imparted to the pupil concerning soils, the methods of treating them, and the practical work of the farm, and therefore that only sons of farmers, or those who are intending to devote their lives to farming, should seek to obtain an education therein. While it is true that these things are taught and well taught therein, they are by no means the limit of the educational course.

Agricultural
College.

For practical instruction, to every branch of professional life except perhaps theology, the *curriculum*, and the methods of imparting knowledge to the pupil, are as beneficial as those of any other institution of learning. In addition, the elements of military science, so far as the "school of the soldier," and the officer of the battalion are concerned, are imparted to the pupil, and he is fitted, if attentive and apt, to take a commission in any regiment, practically quite as well in so far as if from West Point.

The instruction in the order of business, in neatness and care of the person, in habits of cleanliness in the care of apartments wherein men live, which are the embodied results of the experience of all armies, are as useful to the civilian who shall have the care of others, especially if dependents, as they are to the officer in the care of his men. From experimental knowledge I testify to the value of this branch of instruction.

From the economy which can well be practised by the student at the Agricultural College, because of the cheapness of living, the absence of those inducements to extraordinary expenses by the pupil which render a college course so burdensome to men of moderate means, the sons of such men will be enabled either by their own exertions, or the support of their parents, to obtain at a cost within their reach a good practical education, as good in my judgment as anywhere else to fit them for the business of life.

I commend, therefore, this institution, founded both by endowment by the United States and the State, to the attention of the legislature, and ask for it such appropriations as may meet its very economical needs.

[To the House of Representatives, Feb. 26.]

The Union Safe
Deposit Vaults.

I have received from the legislature a bill to incorporate "The Union Safe Deposit Vaults," passed to be enacted in the House of Representatives Feb. 20, 1883, and in the Senate Feb. 21, 1883.

This bill incorporates certain persons therein named, and their associates, by the name of "The Union Safe Deposit Vaults," for the purpose "of receiving on deposit or storage, or for safe keeping, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, money and other property of every kind; of collecting and disbursing the income or principal of any of said property when due; of receiving, investing and disbursing money for parties when so requested, and of renting safes for the storage of said property in vaults constructed for the purpose."

It then provides that "nothing herein shall authorize said company to do a loan and trust business," but also provides "that said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in chapters one hundred and five and one hundred and six of the Public Statutes, and in all general laws which now are, or hereafter may be, in force relating to similar corporations."

It then provides for a capital stock of \$300,000.

This amount would seem to be sufficiently large for a simple safe deposit vault.

I am inclined to believe that the legislature has been misled as to the scope and action of this bill. The title, "The Union Safe Deposit Vaults," is misleading. It gives no idea of any other business than the one well known of letting vaults for the deposit of valuables. The bill itself allows the collection of income on all classes of securities, and would permit, as I am inclined to believe, doing a business of a bank of deposit, and I do not see any difficulty in the way of the corporation's acting as a savings bank, without the liability to the savings bank tax and the supervision of the bank commissioner.

Perhaps, however, that class of business might be restrained by the courts, and if the bill stopped there it would not be so open to objection.

The proviso itself is a strange one: "That it shall not do a loan and trust business."

There is no general statute specifically defining what is

a "loan and trust business," but chapter 80 of the statutes of 1881 defines in part what the loan and trust business in future may be.

The Union Safe
Deposit Vaults.

But some of that business is provided for in the body of the bill itself, before the proviso, so that the bill is self-contradictory.

But the bill further provides that the corporation shall have all the powers and privileges and be subject to all the liabilities of chapters 105 and 106 of the Public Statutes. Chapter 106 provides for corporations to do every kind of business except "buying and selling real estate, banking, insurance, and any other business the formation of corporations for which is otherwise regulated by these statutes." Therefore it may carry on every kind of mechanical, mining and manufacturing business, printing and publishing books, making and selling gas, and maintaining hotels.

Did the legislature mean, in this bill, to invest the corporation with these powers? If it did not, then the legislature has been misled. If it did, which I cannot conceive, it would be a very vicious form of legislation, not to be tolerated.

I have done my duty in calling this matter to your attention, and I leave the bill to your action and wisdom, with the desire only, that hereafter when the legislature intends that corporations shall have powers so widely different from those to which attention is called by the title of the bill, that the powers may be more clearly defined, so as not to throw upon the Executive the labor, by long investigation, to find out what the bill presented for signature means.

I therefore return the bill to the House, in which it originated, with these my objections in writing.

[To the House of Representatives, March 13.]

The bill entitled "An Act making appropriations for expenses of the various charitable and reformatory institutions, and for other purposes," came to me on the evening of the 8th inst.

Appropriations
for Charitable
and Reform-
atory Insti-
tutions.

I have examined its provisions with the care and attention that its importance demands. I grieve not to be able to approve the bill, so that it may become a law, and am obliged to ask the two houses of the legislature, in the language of the constitution, "to proceed to reconsider

Appropriations
for Charitable
and Reform-
atory Insti-
tutions.

the said bill," so that after weighing the objections to it, if it shall become a law, the responsibility of it may rest upon the legislature and not upon the Executive.

It is a misfortune that the bill contains appropriations for several entirely distinct and separate classes of public expenditure, some of which are not objectionable, and some are, as if it were intended that the necessity for the good should carry the bad. Of course this was not the intention of the legislature, but has come to pass by following what seems to me to be a vicious practice of uniting in one bill many different appropriations for entirely diverse objects. Some of the States, by their constitutions, have made provisions against this difficulty by requiring that one bill shall contain matter pertaining to one subject only.

This method of legislation in the Congress of the United States has been found a great inconvenience to the Executive and a detriment to the public service, because many things requiring to be appropriated for, to keep the departments of the government in motion, must be sacrificed, or extravagant and worse than useless appropriations must be approved by the Executive, being found in the same bill.

A good illustration of the vices of this form of legislation was seen in the river and harbor bill, which was vetoed by President Arthur, although there were some very important provisions in it, which he himself had recommended. Fortunately, in this case, if the legislature should agree with the Executive that there are objectionable matters in the bill, either in whole or any part of the appropriations, another bill can easily be passed through the legislature appropriating all the money that is needed for valuable subjects of public expenditure. I am emboldened to say this, because the bill passed through the House and Senate without any examination, opposition or debate, so far as I am informed by the reports of the proceedings of the two houses, and without a division upon any of its details.

In order that the extent and scope of this legislation may be fairly manifest, I give the following analysis of the appropriations made for each object in detail in the year 1882, the expenditures under these appropriations, the estimates for the year 1883, and the appropriations made by the bill in accordance with, or in correction of, those estimates :—

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	Appropriations for 1882.	Expenses for 1882.	Estimates for 1883.	Appropriations for 1883.
For payment of salaries at the State Almshouse at Tewksbury, a sum not exceeding	\$20,000	\$19,513 63	\$20,000	\$20,000
For other current expenses of said institution, a sum not exceeding	73,000	73,000 00	75,000	70,000
For payment of salaries at the State Primary School at Monson, a sum not exceeding	17,000	16,997 40	17,000	17,000
For other current expenses of said institution, a sum not exceeding	35,000	36,280 61	34,000	34,000
For boarding out children, a sum not exceeding			3,000	3,000
For payment of salaries at the State Prison at Concord, a sum not exceeding	54,800	54,355 48	57,000	57,000
For other current expenses of said institution, a sum not exceeding	82,300	77,915 87	76,000	76,000
For payment of salaries at the Reformatory Prison for Women, a sum not exceeding	25,000	21,953 54	23,000	23,000
For other current expenses of said institution, a sum not exceeding	47,200	41,291 70	40,000	40,000
For payment of salaries at the State Reform School for Boys, a sum not exceeding	15,000	14,020 14	15,000	15,000
For other current expenses of said institution, a sum not exceeding	22,000	21,812 03	22,000	20,000
For payment of salaries at the State Industrial School for Girls, a sum not exceeding	5,600	5,612 84	6,000	6,000
For other current expenses of said institution, a sum not exceeding	9,000	9,227 24	10,500	10,500
For payment of salaries at the State Workhouse at Bridgewater, a sum not exceeding	11,000	8,324 23	11,000	11,000
For other current expenses of said institution, a sum not exceeding	29,000	27,499 35	29,000	29,000
For the contingent expenses of the Commissioners of Prisons, a sum not exceeding	800	626 41	800	800
For travelling expenses of the Commissioners of Prisons, and the secretary thereof, a sum not exceeding	800	712 26	800	800
For payment of cost of supporting prisoners removed from Reformatory Prison for Women, a sum not exceeding	500	Nothing.	200	200
For expenses incurred in removing prisoners from the Reformatory Prison for Women, a sum not exceeding	200	51 09	200	203
For salary of the agent for aiding discharged convicts, a sum not exceeding	1,000	1,000 00	1,000	1,000
For the expenses of said agent, a sum not exceeding	3,000	2,882 05	3,000	3,000
For salary of the agent of discharged female convicts, a sum not exceeding	700	700 00	700	700
For expenses of said agent, and for assistance to said convicts, a sum not exceeding	2,300	1,318 09	2,300	2,300
For expenses incurred in the arrest of fugitives from justice, a sum not exceeding	2,000	549 50	None.	2,000
For salary of the chief of the district police force, a sum not exceeding	1,700	1,699 92	1,700	1,700
For compensation of the district police force, a sum not exceeding	18,000	18,000 00	18,000	18,000
For travelling expenses actually paid by members of said force, a sum not exceeding	9,000	7,629 77	9,000	9,000
For incidental and contingent expenses, a sum not exceeding	2,500	2,427 14	2,500	2,500
For travelling and other necessary expenses of the Trustees of the State Primary, Reform, and Industrial schools, a sum not exceeding	1,200	812 75	None.	1,200
Totals,	\$487,600	\$466,306 04	\$478,700	\$474,900

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tutions.

It will be seen that the bill appropriates nearly a half million dollars, to wit, four hundred and seventy-four thousand nine hundred dollars (\$474,900), and quite one-half of the amount of any state tax that ought, in my judgment, to be imposed upon the towns of the Commonwealth for the present year.

Leaving out of the discussion three of the items, to wit, the sum of two thousand dollars (\$2,000) for expenses incurred in the arrest of fugitives from justice, the appropriation for the district police force, and the appropriation for the state prison, as they are under the control of the Executive, and, therefore, need not be considered by him here, as he has it in his power to give such direction in this regard as economy may require, all these appropriations are for the payment of salaries, expenses and cost of supervision of the state almshouse, the workhouse, the primary school, the reform school for boys, the reform school for girls, and the reformatory prison for women, but are by no means all those institutions cost the State.

The amounts appropriated by this bill for expenses and salaries are as follows:—

	Expenses.	Salaries.
For the state almshouse,	\$70,000	\$20,000
For the state primary school,	37,000	17,000
For the reformatory prison for women,	40,000	23,000
For the state reform school for boys,	20,000	15,000
For the state reform school for girls,	10,500	6,000
For the state workhouse,	29,000	11,000
Agent for aiding discharged convicts,	3,000	1,000
Agent of discharged female convicts,	2,300	700
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The total amount appropriated for these several institutions, therefore, is,	\$211,800	\$93,700
Now, all of the officers and employees of these institutions are maintained at the public charge, and receive, of course, quite one-half, but say one-third, in addition to their salaries, in their living expenses; add this one-third to the appropriation for salaries, and deduct it from the appropriation for expenses, out of which it is paid,	31,233	31,233
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And we have for "expenses" and "salaries" respectively,	\$180,567	\$124,933

From which figures it will appear that the appropriation for salaries is sixty-nine and one-sixth per cent. of

the total amount to be expended for the maintenance of these institutions.

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In my inaugural address I called attention to these appropriations for salaries, and stated that, in my judgment, they were very much too large. That statement was criticised by the chairman of the state board of health, lunacy and charity in an interview, in which he stated that I took, as representing these salaries paid by the State, and I quote his words, "what somebody guessed a year before it might have to pay," instead of "what the State actually paid in 1882."

With the single exception of the workhouse at Bridgewater, the salaries have not been diminished in expenditure, and in a single instance they are increased by this bill. And if a former governor, the present chairman of the state board of health, lunacy and charity, was accustomed to consider appropriations of money made by the legislature as "guesses," I am not so accustomed, and cannot conscientiously approve bills containing "guesses," especially when they are such enormously and extravagantly disproportionate ones. I am bound to conceive that, when he approved such bills, he did not consider them "guesses," but that, since he has been chairman of the board, he has ascertained their true character. The reason for the latter supposition is this: As I have shown in the analysis of the bill, in comparing the expenditures and appropriations of last year and the estimates, in no case has the estimate for salaries been diminished, and in one case increased, although in a few cases the expenditures for the support of the institutions were slightly decreased from the amount appropriated.

I learn that the estimates are made up by the superintendents of the institutions, approved by the board, and in matter of salaries they are adopted substantially as they are sent to the House. And now the chairman of the board says that his estimates for appropriations of public money were simply "somebody's guess." Although there seems to be some diminution in the amount of expenditure for the state almshouse, yet I find a resolve reported to the House which brings the amount of the appropriation for that institution this year quite up to the old standard.

Perhaps as good an illustration as any of the difference of carrying on these state institutions will be seen by a comparison of the expenditures for the sick, as they appear

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in the auditor's report during the year 1882, in the state prison and in the state almshouse.

There was a weekly average of about 700 convicts in the state prison. They were cared for by one physician, who received a salary of \$1,000 per annum, and an expenditure of \$643 for "medicines and medical attendance," making a total of \$1,643, and the physician did not reside in the prison. During the same period there was a weekly average of about 900 inmates at the state almshouse, and to take care of their health required the services of one physician and five assistants, at an expense of \$2,657.31 for salaries paid. To this amount add one-third for living expenses, as they all resided at the almshouse, and we have paid at that institution as salaries of physicians \$3,543.08, and \$1,478.87 was spent for medicines and hospital stores, making a total of \$5,021.95. This sum, however, does not include the salaries and living expenses in the almshouse of eleven nurses and three supervisors of insane. It may be explained that a portion of the inmates at Tewksbury were insane, but it takes but little medicine to a mind diseased.

I also stated in my address that "there were very many more officers and salaried agents and employees in the Commonwealth than are necessary to do its business; that they are paid, on an average, quite one-half more than the salaries for which competent persons could be obtained to do the same work, or which are paid in other like business by employers in the State."

Upon further and better acquaintance with the cost of doing business for the State, and the number and cost of its salaried officials, I am more and more confirmed in that opinion.

In that address, I asked of the legislature that at least one-third of the paid officials doing the business of the Commonwealth should be cut off, and the salaries of the remainder reduced one-half, including travelling, contingent and other expenses. I also said that there would be no need for any enactment in this behalf in regard to the military, for that was under the control of the governor, and in the military department the expenses have already been reduced in quite that proportion.

I also stated to the legislature that I saw no reason for the existence of the reformatory prison for women, where the salaries, calculated as above, are over ninety-one per

cent. of the total amount of the other expenses of carrying on the institution.

This prison is for the safe keeping and assumed reformation of the lowest and worst classes of women, with occasionally an inoffensive drunkard, who may be shut up with them for a term of two years. The average number in custody in the prison for the past year was 222, and to take care of these poor creatures there are sixty-four paid employees of different grades, drawing the aggregate salaries that I have shown, of which eighteen are men, and forty-six are women; and some of them are employed at an expense, with the living of their families, of quite \$2,500 a year.

I must decline to make myself responsible in any way for any such institution.

The reform school for boys and the industrial school for girls both met the condemnation of my predecessor in the Executive chair, and their expenses are quite as remarkable. Their bill contains an appropriation for the reform school for boys of \$20,000 for expenses and \$15,000 for salaries. Add to this amount appropriated for salaries one-third for living expenses, as before, and deduct the same sum from "expenses," and we have expended in that institution for salaries \$20,000; and for all the other expenses of carrying it on during the year \$15,000. From these figures it will be seen that the salaries amount to 133 per cent. of the general expenses of the institution. This enormously disproportionate amount paid for salaries may be accounted for by the fact, as shown by the auditor's report for last year, that eighty-nine persons were employed at the reform school, while the average number of inmates during the year was one hundred and eighteen, or one employee to each one and three-tenths boys. During the same period, as appears by the report of that institution, the average net cost for the maintenance of these one hundred and eighteen boys was six dollars per week.

For the industrial school for girls \$10,500 is appropriated for expenses and \$6,000 for salaries. Add one-third, to be taken from expenses, for cost of living, to salaries, and we have for salaries \$8,000, and for support of the institution \$8,500, the salaries being slightly more than ninety-four per cent. of the amount to be expended in carrying on the school. The average number of inmates

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for the year 1882 of this institution was fifty-five, and to care for them the services of thirty-four persons, nine males and twenty-five females, were employed, at the cost to the State above set forth, or one employee to every one and six-tenths girls.

The bill appropriates \$34,000 for current expenses, and \$17,000 for salaries at the state primary school. By adding to the amount appropriated for salaries, one-third for living expenses of the employees, and deducting the same amount from current expenses, we have for salaries \$22,666, for expenses \$28,334, the salaries of officials amounting to eighty per cent. of all other current expenses of the institution. The average number of children and adults maintained during the past year was four hundred and thirty-five, to take care of whom, seventy-seven persons were employed, or one attendant to five and two-thirds children.

The bill also appropriates for salaries at the state workhouse \$11,000, and for other current expenses \$29,000, increasing the former amount by one-third, and decreasing the latter by the same sum as before, for living expenses of employees, and it appears that the salary account of the workhouse, if the amount appropriated for the current year shall be all expended, will be in the aggregate \$14,666, the other current expenses for carrying it on amounting to \$25,334, and also that the salaries will be a fraction more than fifty-seven per cent. of the other expenses. But it is to be observed that, by the statement of actual expenditures at the state workhouse for 1882, the total outlay was some \$4,176.42 less than the amount appropriated, the expenditures for salaries being \$8,324.23, and for other expenses \$27,499.35, as appears by the foregoing statement. Adding to this amount of salaries, and deducting from expenses, the cost of living, we find that during the past year the salaries have amounted to about forty and six-tenths per cent. of the other expenses, a reduction as compared with the ratio of salaries to expenses authorized in the appropriation bill, creditable to the management of this institution, as is also the fact that to take care of its average of two hundred and forty-two inmates during the past year, there were required but twenty-eight employees, or one to about every nine inmates.

It will be observed that the bill appropriates for the

salary of the agent for aiding discharged male convicts, \$1,000, and for the expenses of said agent a sum not exceeding \$3,000, to be used in rendering assistance to convicts. It appears by the auditor's report for 1882, that the expenses of the agent, including salary, amounted to \$1,283.94, while the total amount disbursed in aid of discharged convicts was \$2,598.10. It will be seen from these figures, that the State is employing the services of an agent to disburse a small amount of public money, for which he receives as compensation for his labors, a sum equal to fifty per cent. of the amount so disbursed.

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The bill also contains an item, \$700, for salary of the agent of discharged female convicts; and for the expenses of said agent, and for assistance to said convicts, \$2,300. If no portion of the latter amount was used for office and other incidental expenses, the State would be paying a fraction more than thirty per cent. on the amount disbursed for services. And in this case, as in the case of the agent for aiding discharged male convicts, it is difficult to see a necessity for the offices, except to afford an opportunity for those officials to be supported at the public cost.

It will be remembered that in my inaugural address I called the attention of the legislature to the fact that at least one of the board of trustees who made these estimates and approved the expenditures, was himself a contractor for supplying the same institution of which he was a trustee, with supplies, and to other abuses concerning which no investigation has been made, so far as I am advised, by either branch of the legislature, nor has investigation been made into the condition of the accounts of these several institutions, or of the propriety of their items of expenditure, so far as I am informed. Certain it is no report has been made to either branch upon this subject for their instruction.

Entertaining these views of the expenditures to be authorized by this bill, the legislature will see that it would be impossible for me to approve it. If I should approve it I should do a confessed wrong. I might escape some responsibility by allowing it to become a law without my approval. In that case I should suffer a wrong to be done. To do right I must return it with my objections to it in writing, and leave the responsibility with the legislature.

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But it may be said, all this money will not be spent. It must be accounted for, and the account audited by the state auditor. Upon his good faith and propriety of conduct the people of the Commonwealth rely to be protected from frauds, overcharges and commissions, and all the paraphernalia by which bad men in office seek to rob the State. Would it were so; but the state auditor has nothing to do with auditing these accounts. The boards having supervision allow the expenditures to be made substantially by their subordinates. Their subordinates fix the prices at which they buy, and approve the bills which they contract, and the board approve what their subordinates have done, and the state auditor only examines the figures and sees that they are correctly added, subtracted, multiplied or divided, as the case may be.

The auditor's report will show that the expenditures on behalf of the Commonwealth, passing mediately or immediately through his office, have amounted to more than thirty millions for the past four years. From the first of January, 1879, to January, 1883, there is no record in his office of more than two subjects upon which he has made any reduction whatever; one in the bill for paper for legislative and other printing, and the other in the bill of the warden of the state prison for legislative refreshments. And yet he has done his whole duty according to law, the law requiring him, unless he knows something to the contrary, which substantially he never does, to pass the bills upon the approval of the boards or persons who contract them. After the state auditor has approved a large number of accounts, they are put together in one warrant, which is sent to the council on the day it meets; it is examined by a committee, which knows nothing and can know nothing about it; it is reported to the council, and is passed without any examination, simply because no examination can be made, and the warrant is signed by the governor, and the money departs from the treasury; the treasurer then gives to the officer incurring the liabilities, the money in gross sums, and he takes it and goes around and pays his bills, and may divide commissions with the persons whose customer he is.

Therefore, with no sufficient examination by the legislature of estimates made by the party or board which is

to expend the money, and then the bills to be approved by the same board, and then the money to be paid over to the same subordinate who contracts the bills, to be paid out to his contractor, I cannot, with my views of what is the duty of the Executive to the people of the Commonwealth, approve this bill of appropriations, but must send it back to the legislature, asking the several branches thereof, as they cannot amend it, to pass another bill, cutting off these large amounts of salaries, placing proper guards and checks upon this immense expenditure of money, so that it can be known by somebody except those who can make money out of so doing, how it has been spent and where it has gone.

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tions.

[To the Senate, March 19.]

There has been presented to the governor for his revision a bill allowing the Somerville Wharf and Improvement Company two years further time in which to organize, which bill originated in your honorable body.

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This company was incorporated by chapter 147 of the Acts of 1880. Upon an examination of the report of the committee of the Senate, I find no reason stated why this time should be extended, nor am I informed from any discussion which took place in either branch of the legislature of any reason presented to either house why the company should have this extension of time.

I am led, therefore, to look into the provisions of the original Act of incorporation for the object of its existence, and the subjects upon which it may operate.

The Act provides that certain persons therein named "are made a corporation by said name, with power to purchase and hold in fee simple or otherwise, all or any part of a tract of land bounded as therein described, containing about two hundred acres. Said corporation shall have power to sell and convey, lease, mortgage, and otherwise dispose of and deal with *said corporate property*, or any part thereof, and to manage, improve, fill and grade the same, with authority to construct docks, wharves and buildings, and *to lay out streets* and passage-ways, and otherwise improve the same, as it shall deem expedient," with a restriction upon building further into tide-water than the harbor commissioners may permit, and subject to all the liabilities, duties, limitations and restrictions imposed by the general laws, "*applicable to*

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such corporations." The capital stock shall be six hundred thousand dollars, and the corporation may increase its stock from time to time to an amount not exceeding one million dollars.

It will be seen that the original Act was for the incorporation of a company for the sole purpose of holding and trading in real estate, with one extraordinary power, which would seem to be in contravention of all laws relating to public ways. The quantity of land to be held by the company is stated to be about two hundred acres, or about one-thirteenth of the territory of the city of Somerville, this territory to be increased as much as it may by filling in tide-water, up to the commissioners' line. Over this territory the company has "power to lay out streets." Being so empowered by a direct Act of the legislature, it is difficult to see why such streets would not be public streets, and the maintenance and care of them become a public burden. If not, it might be that they would be wholly within the jurisdiction of the company.

The great and controlling objection to the original charter, which, having expired by limitation, this bill proposes to revive, is that it gives to the corporation the right to hold land in perpetuity, and to act for no other purposes whatever.

This land, in the language of the books, would be held in *mortmain, or by the dead hand.*

In all ages, and in all civilized governments, to hold land in perpetual succession has been held to be against public policy, except that corporations have been allowed to hold land in limited amount, sufficient to enable them to carry out the other purposes of their incorporation.

It is said that as early as the third century the Christian emperors of Rome found it necessary to pass decrees against this method of holding land. Such holding of land was the fruitful source of the wrongs and oppressions which caused the French Revolution with all its frightful results. And of all the laws enacted by the National Assembly which obtained power in that revolution, substantially that which now remains in force is the one that requires the division of lands among certain heirs-at-law of the deceased at death; the result of which is that the lands of France have now become divided into very small holdings; and this is the source of the great prosperity and wealth of her people, which

enabled her to recover so speedily from the immense losses and vast military impositions of the conquerer in the Franco-German war.

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This evil was felt in England as early as the reign of the III. Henry, principally, however, by reason of the action of the religious societies, which then were the absorbers of lands. Very stringent laws were passed against it, known as Magna Charta, which laws were re-enacted under the I. Edward, and have been the policy of England from that day to the present, in regard to corporations, which can only hold lands for their own purposes by license of the king, as they are now limited here by acts of our legislature.

But England had another form of holding large bodies of lands in perpetuity through the laws of primogeniture and entail. And I suppose it is a familiar fact that those laws have resulted in making a privileged class of landlords and a pauper class of tenants, to the great detriment of the realm of England, and still worse in Ireland.

At least, so our fathers considered, because they sternly swept away the laws of primogeniture and entail, and enacted laws against perpetuities in the holding of lands, limiting the power of tying them up by wills, and requiring them to be divided at the death of the holder, after a limited period.

Such is still the policy of our legislation. And while we permit corporations to be formed by general laws for doing almost every other kind of business, save banking and insurance, an inhibition has been placed in the general corporation law against forming corporations for the purpose of holding and trading in lands.

All monopolies are bad enough, but of all monopolies that of the land on which men are obliged to exist is the worst.

It is true that in a few instances corporations have been formed which were permitted to acquire large bodies of land. But those corporations have usually been created for the purpose of some great public improvement; generally for the purpose of improving the navigation of rivers, or the creation of water-power by dams for manufacturing purposes.

Examples of these are the Proprietors of the Locks and Canals at Lowell, the Essex Company at Lawrence, the

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Holyoke and Turner's Falls companies upon the Connecticut, and the Boston Water Power Company.

This last corporation, by the obliteration of its water-power from the growth of the city of Boston, has degenerated into a land company, pure and simple, and its stock has become a mere fancy stock for manipulation of the stock market — not a very creditable exhibition to the State of Massachusetts.

The East Boston Land Company, by which Noddle's Island was improved and communication established between it and the city, stands upon a different footing.

The Hyde Park Company was purely a land company, ruining all who had anything to do with it, and would seem to me ought to have served as a warning against any like legislation.

The "Fifty Associates," who have absorbed so large an amount of the real estate of Boston, is a company *sui generis*, commencing with very small beginnings, has now become one of the richest and most powerful, by its power to hold land, none of which, so far as I am informed, it ever sells. It is believed that no similar body could obtain corporate powers to-day.

Many reasons could be stated for this public policy, but its universality, which I have shown, is the strongest evidence of the necessity for preserving it.

Holding lands in perpetuity in the form of shares in a corporation deprives the widow of her dower, and the children of their inheritance, and renders it possible for the price of land to be regrated for the benefit of the corporators as against the ordinary purchaser.

Of course, no body of men desire a corporation to hold and trade in lands except for their own benefit, and that benefit is to be had by holding the lands and raising the price thereof, thus making money out of the community without any specific advantage coming to the public which would offset the inconvenience.

Perhaps there can be no better illustration of these facts than that afforded by the act we are now considering, which seeks to revive itself by this bill. It was passed in 1880. That there was no public, or proper private exigency for it, is seen by the fact that not a dollar of its capital stock has been paid in; it has not had even strength enough to organize for three years, and now asks the legislature to continue the cloud upon the title

of one-thirteenth of the land of the city of Somerville for two years longer that it may organize.

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In my opinion every possible restriction should be removed upon the sale and division of lands, and especially in the suburban cities of Boston; so that they can all be thrown upon the market for sale, in order that the mechanics and laboring men who have their employments in Boston can find cheap lands on which to build their homesteads, easily accessible, in its immediate vicinity.

I have looked in vain to find any reason officially stated, for either the passage of the original act or of this bill continuing it. Certain it is that no report of the committee accompanies the bill which gives any such reason, nor do I find that there was any discussion of the matter in either branch. The Executive therefore is left without any knowledge of the grounds of public policy which require the passage of the bill.

It is a fact which might excite curiosity that this bill comes from the Committee on Mercantile Affairs. While I admit that either House can refer a bill to any committee it chooses, by any name it chooses, yet it is usual to refer it to a committee which has other matters germane thereto under consideration. And what mercantile question is involved in a simple land company I am at a loss to discover.

In the hope that the legislature will "proceed to reconsider" this bill, if it has ever been considered by it, and that, if it ought to pass, the Executive as well as the people of the Commonwealth will be shown the reasons why it ought to pass, should any exist, I respectfully return it to the body in which it originated, with these objections in writing.

[To the House of Representatives, March 23.]

I have the honor to lay before the House the following claim of Theodore E. Davis of Washington, D. C., the grounds upon which it is based, and the amount of which are fully set forth in his affidavit hereto attached. The facts are briefly these: Mr. Davis is a practising lawyer in Washington, engaged in settling war claims with the treasury department. While so engaged he discovered that, under certain rulings of the accounting officers lately made, some items of account which had been theretofore claimed by the State against the United States, and not

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allowed, would now probably be allowed, provided he could get authority from the State to investigate them, and could get possession of the original vouchers upon which the claims were made. For that purpose he came to Boston, armed with the recommendations as to his character for probity and intelligence, from Hon. Amasa Norcross and Hon. George D. Robinson, then representatives in Congress; and, after conference, received from His Excellency Gov. Long a letter, dated Oct. 20, 1882, addressed to the secretary of the treasury, a copy of which from the archives of the executive department is hereto annexed. His Excellency the Governor, in giving this letter of authorization, appears to have acted under the advice of the attorney-general. Mr. Davis was permitted by the secretary of the treasury to examine the accounts and vouchers then in the department, to ascertain what accounts of the State had been allowed and settled. It would seem that the last account which had so been allowed of the State of Massachusetts was in 1870. Mr. Davis, finding that there were claims which would be allowed if properly prepared and presented, again came to Boston, and, with the consent of the executive, was furnished with the original vouchers for presentation. The results of the labors of Mr. Davis were that of these rejected claims, the sum of \$11,754.12, was allowed by the accounting officers of the treasury, and, through the efforts of Mr. Davis, aided by our representatives above named, a report of the amount so allowed by the accounting officers was inserted in the bill of appropriations for deficiencies, which bill was passed by Congress, and the sum of \$11,754.12 was placed to the credit of this Commonwealth in the treasury of the United States. For that sum Mr. Davis has handed to me a draft payable to my order, on the assistant treasurer of the United States at Boston, which draft, properly indorsed, I have deposited with the treasurer of the Commonwealth to be by him collected. It will be observed, in reading the letter of authorization to Mr. Davis, that payment for his services was to be dependent upon the action of the Legislature. I therefore forward his claim, and state these facts for the information of the House of Representatives, where alone an appropriation can originate for this purpose. It will be seen that Mr. Davis has incurred some expenses and performed services

which have resulted in a benefit to the State in the sum of nearly \$12,000, which, without his action, would probably have been lost. For this benefit thus rendered the State, it seems to me that Mr. Davis is entitled to a just and liberal compensation, the amount of which I submit to the wisdom of the Legislature. Mr. Davis also assures me that there are still other claims of the State which have not been favorably passed upon by the accounting officers of the treasury, which may be obtained by proper examination and prosecution. I am also informed that the statute of limitations, as the law is interpreted by the accounting officers, will run against these claims, and they will be forever barred if not prosecuted in proper form before a day which I do not remember, in June next. I submit to the Legislature whether, if it see fit to pass a resolution in favor of Mr. Davis for his services, it should also make provision that he may be authorized upon the same terms as to payment, under which the former authorization was made, to present and prosecute such remaining claims. If the Legislature should find that there are any further or other facts within the possession of the executive which are needed to assist it in its deliberations, such facts will cheerfully be furnished to the House or its committee.

Claim of
Theodore E.
Davis.

[To the House of Representatives, April 10.]

A bill has been sent to the Executive for his action, entitled "An Act to enlarge the Jurisdiction of Notaries Public," which appears to have originated in the House. It provides that hereafter notaries public shall have jurisdiction and the right to act in any and all counties. The provisions of this act also apply to all notaries public now appointed, and provide that the commissions of notaries hereafter appointed shall be made out for the Commonwealth.

Jurisdiction of
Notaries Public.

I regret that I am not able to concur with the two Houses in causing this bill to become a law.

A notary public is, in fact, an international officer, to the testimony of whose acts all civilized states give credit.

In countries governed by the civil law, or codes growing out thereof, he is one of the most important functionaries of the law; almost all civil acts must be sanctioned by him, and he becomes the depository of the wills of decedents, and, practically, in many cases, has the settlement of such estates.

Jurisdiction of
Notaries Public.

In England and America, where the common law prevails, he has less extended power; but both England and America have conferred upon their consuls in foreign lands, powers exercised by notaries public.

By our own Constitution he is recognized as a judicial officer, appointed and to be removed in the same way as are judges.

By statute, as well as by international law, he must have a distinctive seal; and for the protection of all parties he must keep a record of all of his official acts.

Until quite recently the jurisdiction of a justice of the peace was confined to the county in which he was commissioned; but when all judicial power was taken away from justices of the peace, the legislature very properly enacted a law of general jurisdiction throughout the Commonwealth; but now a justice of the peace has neither a distinctive seal, nor is he obliged to keep any record of his official acts, which are extremely limited in number, and generally of small moment.

Not so with the notaries public; their certificates of acts done, and of the verification of records, go to foreign countries, and under the law impart absolute verity. No notary should act except in his own office, where both the seal and records are to be kept. He ought not to be peripatetic. He is now, and ought to continue to be, a local officer, so that he can be readily hunted up, and his records examined. Now his acts must be shown to have been done in the county in which he acts, which furnishes the means of finding him.

If this bill should become a law, the notary might live in Boston and act in Berkshire, and *vice versa*, and this difficulty would increase more and more as time went on.

There seems to be no good reason why parties to be affected by the acts of a notary should be compelled to encounter these difficulties. There is a notary in every town of any considerable importance, and there are fifteen hundred, more or less, in the Commonwealth,—some seven hundred in the county of Suffolk alone.

If the legislature should, or could, take away from the notaries any of their powers, and reduce them to the level of justices of the peace, perhaps some show of reason might be given why they should be appointed to the whole Commonwealth. But the legislature has not taken away

their powers, and, as international officers, it might well be questioned whether the legislature could do so.

Jurisdiction of
Notaries Public.

I feel obliged, therefore, to ask the legislature to reconsider this bill; and, in the light of the objections I have made, to see if there is any exigency which demands its passage.

Fortunately for all concerned, there is no political significance in it.

[To the Senate and House of Representatives, April 30.]

I have the honor to call the attention of the legislature to a fact brought to my attention, if I had no other means of knowing it, by the State Board of Health, Lunacy and Charity, that the appropriation for carrying on the State almshouse for the year ending Dec. 31, 1882, was nearly all expended before that date.

State Alms-
house.

From considerations of public duty I have ordered that Board to assume the duties of the trustees of that institution, which direction, after some delay, I am informed by a vote of the Board they have determined to obey. They inform me that in part their hesitancy so to do was because of the want of appropriations to meet the expenditure, being apparently in dread that they might be personally responsible therefor. I have assured the Board that until proper time for legislative or other action in this behalf, I will personally see to it that the money shall be forthcoming for the future use of that institution.

There can be no fear that Massachusetts will suffer any person to go unclothed and unfed for want of appropriation of money for that purpose, if it is her duty to see to his sustenance. Such has been her history. Most ample, nay, lavish appropriations for all charitable and educational purposes have characterized her legislation, and been sustained by her people. And this remark is equally true of our Commonwealth as to every object proper for State appropriations; and if there has been mischance to any person in this behalf it has not been her fault, but her misfortune in having unworthy servants.

I take leave further to say that while heretofore I have informed the legislature that very large reductions, in my judgment, can be made in the expenditures of that institution, yet the legislature will take into consideration that the same course of lavish and unnecessary expendi-

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house.

ture to which I have heretofore called attention, has been going on for one-third of the present fiscal year. A sum considerably in excess of \$90,000 was appropriated and spent for the expenses of last year, yet I still have no doubt that with proper supervision and administration seventy thousand dollars (\$70,000) would have been ample for the expenses of the State almshouse for the present fiscal year,—assuming the same number of inmates as in the last; and that two-thirds of that sum would now complete the fiscal year. I am so strongly of that opinion that if the legislature will make such an appropriation, and put the expenditure and care within the control of the Executive, and the auditing of the bills with the Council, I would not shrink from undertaking the labor imposed by such a duty. If at the end of the year it turns out that it cannot be done it will be the best answer to any suspicion of extravagant expenditure in the past. If it can be done, then it will be easy for anybody to follow the example. If such a course is desirable it can be easily reached by a single sentence attached to the appropriation bill authorizing and directing such control of the expenditure as above suggested.

[To the House of Representatives, April 30.]

Ocean Terminal
Railroad, Dock
and Elevator
Company.
Ocean Terminal
Railroad Com-
pany.

I have the honor to have received a bill for consideration, entitled “An Act to extend the charter of the Ocean Terminal Railroad, Dock and Elevator Company, and to revive, confirm and extend the charter of the Ocean Terminal Railroad Company.”

As the original action was had upon this bill in the House, I return it to that body with my objections.

The title does not give the scope of its action, although it embraces within it two corporations supposed to be existing, one under an act of incorporation passed in the year 1881, and another supposed to be organized under the general laws. But upon examination it will be seen that the act itself revives, extends and gives different terms and conditions of existence to another corporation, the Mystic River Corporation, which in my opinion ought to give reasons for its present existence. This will be seen by an examination of the act of incorporation of the Ocean Terminal Railroad Dock and Elevator Company, which is revived by this Bill. Section 4 of chapter 239 provides that,—

“Said corporation, for the purposes set forth in this

act may purchase and hold all or any portion of the lands, wharves, property, rights, privileges and franchises of the Mystic River Corporation." And it authorizes said corporations to "sell, convey and transfer . . . all or any part of their respective lands, wharves, property, rights, privileges and franchises" to said Elevator Company. And the identity of the persons interested in the three corporations will be shown by the fact that the incorporators of all are in a majority the same persons.

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pany.

To understand the scope of this bill it becomes necessary to examine the provisions of law creating the Mystic River Corporation. That Act, chapter 105 of the laws of 1852, permitted the city of Charlestown, and such other proprietors of lands and flats situated in Charlestown "as shall vote to accept this act at a meeting called for that purpose, are hereby authorized to enclose by a good and sufficient sea-wall, and to fill up a portion of the flats lying between the north or main channel, and the south channel in said river," bounded as in said act set forth, which are the same lands and flats, the unsold portion of which are now claimed by the Mystic River Corporation.

The act provides that "the proprietors shall be required to keep open to its present depth the south channel of the Mystic River from the point of termination at Elm Street to the main channel near the easterly angle of the timber dock at the easterly corner of the Navy Yard."

"That they shall widen the north channel by excavating the mud from the southerly side thereof to the depth of the present channel," from point to point named in said act, "and shall remove the whole of the shoal in the middle of said channel opposite Chelsea Creek, to the general depth of the channel, and keep the same clear for the convenience of navigation; and if, in consequence of this widening of the channel, there shall be any shoaling of the same on the northerly side of said river, in front of the wharves belonging to the United States, said proprietors shall restore the channel in that part to its original depth. That the enclosed flats shall be filled to the depth of eight feet. That the work is to be supervised by a commissioner appointed by the Governor, who shall be paid by the proprietors, and said proprietors shall keep up and maintain the excavations so made above these improvements. This act to be void unless the structure and excavations above described shall be commenced

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within three years, and completed within eight years from and after its passage; and all right and title to the land to be filled up by virtue of this act shall cease if the owners of such land shall fail to maintain all the excavations hereinbefore required to be maintained."

And by an act of the same year an addition is made which provides what special lands shall be released to the Commonwealth, and also provides how the sea-wall shall be built and how far extended. The acts show that the purpose of the Commonwealth was to improve the navigation of that part of the river by a grant to the city of Charlestown and the proprietors, to do certain work in filling flats and building a sea-wall which should bound and deepen the north and south channels of said river. And for that purpose the grant was made to the city of Charlestown, in which the tide-waters were situated, jointly with these proprietors.

This improvement, if undertaken by the city of Charlestown, would doubtless have been carried out according to the terms of the act; but it does not appear that the city of Charlestown ever did anything about it. It is certain, however, that said structures and excavations were not commenced within three years and completed within eight years, which was a condition; otherwise the act would be void, because we find that by chapter 55 of the Acts of 1855 the time was extended three years.

Again, by chapter 481 of the Acts of 1855, the Mystic River Corporation was substantially granted a new charter, giving, in addition to the other provisions, the right to build docks, and extending the time of commencing said structure and excavations three years, and the time for the completion ten years.

Substantially no work was commenced, and in 1859 another act was procured, allowing the Mystic River Corporation to sell its land, not exceeding four-fifths, under the supervision of the commissioner; that is to say, under the supervision of a commissioner paid by themselves. Thus a third extension of time for the completion of the improvement was made for ten years, which of course would expire in 1869.

In 1867 the company applied for a fourth extension of time to complete the improvement, and obtained one for ten years after 1869.

Again the improvement was not made, and in 1878 a

still further extension was asked for, and ten years more were given them, under which fifth extension the corporation now claims to exist.

Ocean Terminal Railroad, Dock and Elevator Company. Ocean Terminal Railroad Company.

By chapter 145 of the Acts of 1880 the Mystic River Corporation was "authorized to extend its band of pier wharf beyond the line now provided by law on the main channel of Mystic River;" and by the second section the corporation is authorized to purchase and hold shares in the Ocean Terminal Railroad Company, which was incorporated in that year, under the charge of the same corporators. This was a corporation to be organized under the general law, but which has not, in fact, been organized under the general law, not having vitality enough to organize itself, or to pay a single dollar towards the construction of its railroad, within two years from which its charter lapsed and its corporators applied for an extension for two years more in 1882, and obtained it by the provisions of chapter 9 of the acts of that year, extending the time of its organization to the 6th day of May of the present year.

Meanwhile, in 1881 the same corporators obtained an act incorporating the Ocean Terminal Railroad, Dock and Elevator Company, with the provision of which I have spoken, giving them a right to buy, and the Mystic River Corporation a right to sell, all its property and franchises to that company. But that company had not vitality enough to complete its organization within the terms of the general law, or to do anything whatever, and it now seeks by this bill to have the time for its organization extended two years longer; and the question which presents itself to me is, is there any public exigency for so doing?

It will be seen that the provision for the Mystic River Corporation to sell to the Dock and Elevator Company, and the authorization of that company to buy, would operate substantially as a confirmation of all the acts and doings of the Mystic River Corporation.

I have traced thus carefully this legislation because it illustrates and explains what has long been complained of as an evil, and which has increased to such an extent as to lead the legislature to inquire whether we ought not to have biennial instead of annual sessions of the legislature.

Suppose every private and public corporation in this

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Commonwealth should apply, as each would have a right to do, to the legislature for so many acts, and so many grants to cover their incapacities and delinquencies, then the legislature would have to sit every day and every hour during the whole year. But happily that supposition is not the fact. We have before us, however, the fact of this one corporation substantially requiring all this legislation, besides taking advantage of our general laws to perpetuate itself. Each one of these Acts required a hearing before a committee of the legislature, and we are to assume at least full investigation, and then consideration by the two Houses.

The House will do me the favor to remember that I returned to the Senate a similar bill, with my objections, for the extension of the Somerville Wharf and Improvement Company. You will remember how much of the time of the legislature was consumed in the investigation of the validity of those objections, and the propriety of passing such a bill. As an example of the necessity for far-reaching examination, the considerations of the expediency of that bill extended to an investigation of the religious character of the emperors of Rome in the third century, — a topic of research which has consumed much time of ecclesiastics and historians, and covered many pages of sacred and secular history of the conditions of religion and government of that remote period. Even with all the care and attention so properly bestowed upon that investigation by the Senate, this important fact bearing upon the effect of holding land in *mortmain* was not discovered by the legislature, or either body thereof, so far as appears by their official documents, namely, that Philip, the Arabian, was a Christian Emperor of Rome, reigning from the year of our Lord 244 to 249; which would have been discovered, no doubt, if the demands of the public service would have permitted sufficient time to have referred to the letters of Origen, and the writings of Eusebius and Jerome, wherein Philip is alleged to be highly honored for his adherence to Christianity, and is styled as one “*qui primus de regibus Romanis Christianus fuit.*”

In their necessary haste, the Senate was probably misled by looking after a Christian empire, which was established in the fourth century, and not a Christian Emperor who reigned in the third century.

I hope it may not be out of place here to observe that I do not confound Philip, who baptized the heathen treasurer of Queen Candace, with Philip the Arabian. I say this to prevent mistakes which would be no more palpable than for a lawyer to confound the *Magna Charta* of King Henry, an act of Parliament concerning *mortmain*, with the great charter of liberties extorted from King John by his barons.

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Former legislatures have been criticised because they occupied more than half of the year to do sufficient legislation to serve the people of the Commonwealth for the remaining six months. The legislation deemed necessary to be had to regulate a single corporation would seem to be a sufficient apology for them.

I am informed the fact to be that the Mystic River Corporation has done no such dredging as is required by the charter in this series of years; and one evidence of that fact is that Joseph E. Bartlett, the leading incorporator, took an individual contract from the United States to do dredging in that vicinity, using the excavated mud to fill up the Mystic River Corporation lands in 1878.

If the House, by one of its committees, will examine this tract of land, as it is within a mile of the State House, I think they will see that I am correct, that the fact is that no amount of dredging, filling or construction required by the act has been done.

Another fact which tends to show that the corporation has been fully reimbursed for all possible expenditures is that the corporation sold lately less than one-half of the land included within its limits, to the Boston & Lowell Railroad, for two hundred and eighty thousand dollars (\$280,000), which was within twenty thousand dollars (\$20,000) of the extreme limit of its capital stock. The corporation has now on the west side of Chelsea Bridge, some fifty acres of flats remaining substantially unfilled, most of which in my judgment are clearly the property of the Commonwealth, and are worth quite as much as the land already sold to the Lowell Railroad on the west side.

Now these flats will probably be shortly needed for the use of the railroads running into Boston for elevator and dock purposes, some of the best water of Boston harbor not occupied by the United States for naval purposes, being adjacent to those flats. Why should the corpora-

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tion claim these flats as their property, when they have failed to give to the Commonwealth the consideration for which they were to have them, to wit, the completion of a sea-wall, which has not been done, and the filling up of the flats, which would prevent their unhealthiness from the miasma at low tide water, which also has not been done. And why should the legislature pass this bill and sanction the selling of them to another corporation which yet has not had vitality enough in a series of years to raise any capital or complete its organization, and which, when called upon by the tax commissioner to pay a corporate tax, excused itself from so doing because they had not organized. Why, for two years longer, should this cloud be upon the title of the lands of the Commonwealth, or of the adjoining proprietors; and why should it not be open to sale for the purpose for which it is needed, without any interference on their part.

Perhaps there is no better illustration of the mischief of holding land in mortmain than the one before us. Quite a generation has passed since this land was granted to this corporation in consideration of certain public benefits. If it had been in private hands it would have been long since divided, and probably sold by the heirs of the proprietors. The new corporations, the Terminal Railroad, and the Dock and Elevator Companies, have had now three years in which to do something. They have done nothing. The Mystic Corporation has had more than thirty years, and they have done nothing substantially to fill their obligations, but have simply held their lands and waited until they could sell them at an enormous price to a railroad company, which must increase its freightage to the people of the Commonwealth for the purpose of paying the income on that expenditure.

Failing to see any claim that these corporators or corporations have to further existence as organized, I would say that if the legislature does not rehabilitate them, and give them a new existence beyond the reach of the Executive, it will be the duty of the Executive to see that they cumber the ground no longer.

[To the House of Representatives, May 7.]

Examination of
Insurance Com-
panies.

I have the honor to enclose herewith a copy of a communication addressed to me by the insurance commissioner, disclosing a fact of which I had before no official

information, although I had some unofficial knowledge. To this communication I beg the attention of the legislature.

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panies.

By the statute the insurance commissioner is made "commissioner and actuary."

In practice I believe an actuary is one who examines, as an expert, the condition of insurance companies and insurance business, and very frequently employed by large insurance companies from private life to make such examinations for the satisfaction of the officers and stockholders themselves.

The legislature will see that the provision of law in regard to examinations of insurance companies, has been wholly ignored and unfulfilled.

That provision is a very important one. It requires the examination of the affairs of all the companies of the State to be made by the commissioner or deputy commissioner, acting as actuaries in fact, once in three years. This has not been done within the last three years, and it appears that it has not been previously to that time. Therefore there is no official knowledge in the possession of the insurance department of the actual standing of the State companies. From my own examination I know that one or more of them are not in a safe and proper condition, and have not been for some time. The present commissioner of insurance finds the alleged reason of the neglect of this duty in the office to be a want of sufficient force to do it. This arises because the statute directing this to be done by the insurance commissioner or his deputy is supposed to limit that examination to one or the other of them only.

As the legislature is doubtless aware, the examinations of companies out of the State, both fire and life, which are made, are paid for by them; but there is no provision for the companies in the State paying for any such service, as the law supposes that the salaries of the commissioner and deputy commissioner are a sufficient remuneration for that service. It will be seen, therefore, that there is an urgency that these examinations should be at once made, for the safety of all concerned, as well the companies as the policy-holders and the public.

The commissioner has no funds at his disposal with which to employ any clerical force to take the place of himself and deputy while engaged in those examinations;

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and it would appear that they have enough business to do with their duties in relation to foreign companies, and in their official positions in the office to employ all their time.

I am very unwilling to recommend the appointment of new officials, and I do it with great reluctance; but it would be a false economy to allow the necessary business of the State not to be done for want of sufficient force to do it. I therefore recommend to the legislature either to so change the law that these examinations may be made by some person appointed by the insurance commissioner for the accuracy of whose work he shall be responsible, and provide a sufficient sum to pay him, or that a law be passed providing for an actuary to be appointed by the Governor and Council, or the commissioner, with their consent, with a sufficient sum for salary to obtain the services of a skilled and competent person for that work so that it may be done at once.

I commend this to the attention of the legislature most earnestly, and hope that its judgment in this matter will confirm my opinion.

[To the Senate and the House of Representatives, May 26.]

Resolution of
the Legislature
of Tennessee.

I have the honor to transmit herewith a copy of a joint resolution of the Legislature of the State of Tennessee, forwarded to me by the executive of that State, in regard to the commemoration of the one hundredth anniversary of the inauguration of President Washington, by holding at that time a national and international exhibition, for such action as to the wisdom of the legislature shall seem proper.

[To the Senate, May 28.]

Election of
Aldermen in the
City of Boston.

I take leave to return, with my objections in writing, a bill entitled "An Act concerning the election of aldermen in the city of Boston," which I pray the Honorable Senate to proceed to reconsider in the manner prescribed by the constitution.

It cannot be doubted that this bill, if it becomes a law, would change very substantially, and in very material matter, the organization of the government of the city of Boston.

By the present charter of the city the aldermen are elected by the votes of the whole people of the city. The

bill proposes that each alderman shall be elected in a separate district, which is presented in the bill itself.

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City of Boston.

As a determining objection to this bill lies against its whole intent, scope and action, I proceed first to consider that; and afterwards some objections to its details, which would seem to me of formidable weight.

Under our constitution, until the amendments of 1820, no power was given, or claimed by the legislature to charter a city municipality in this Commonwealth, with or without the consent of its people.

By Article II. of the amendments referred to, the general court was given full "power and authority to erect and constitute municipal or city governments in any corporate town or towns in this Commonwealth, * * * * and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meeting."

If that article had stopped there, then the bill would be open to no constitutional objection. But to that article there is a very material proviso, containing two restrictions on the power of the legislature in this regard.

First, That no such government shall be erected in any town not containing twelve thousand inhabitants.

Second, "Unless it be with the consent and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a meeting duly warned and holden for that purpose."

The construction of that proviso has necessarily been that no municipal corporation or city has been erected in this Commonwealth without the previous application of the citizens duly expressed in a constitutional manner by a majority vote, and the charter submitted to be adopted by the same vote at a legally warned and holden meeting.

The question then presents itself; a municipal corporation, having been created, its form of government established by its charter, which charter could only take effect, and has ever taken effect, by the adoption of its citizens expressed through their vote—can such form of government be constitutionally altered by the legislature without a like vote? Or, in other words, can the legislature, after it has erected a city government by a charter acceptable to the citizens of a town, and it has been accepted

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by them, then exert the power to change the whole form and substance of that charter, and impose upon them a burdensome, unjust, partisan and iniquitous government?

Would such a proceeding be claimed by any just-minded person to be a form of government with the consent of the governed which is fundamental in a republic, as to its details as well as in the general. A statement of this proposition is all the argument needed to have it pass in the negative. And so have the former legislatures, except in very unimportant points, treated all the cities of the Commonwealth in relation to any changes in their chartered rights, and have always submitted every material change of the form of action of the city government, to the ratification, by their acceptance, of the people of the city, by their votes in a legally organized meeting, such as that by which they at first accepted that charter.

And in these unimportant changes, which might seem to be exceptions, the legislature has conformed to the spirit of the constitution by requiring them to be accepted by a vote of the city council.

In 1822, chapter 110, "An Act establishing the city of Boston;" 1823, chapter 107, "An Act in addition to an act establishing the city of Boston;" 1825, chapter 49, "An Act in further addition to an act to establish the city of Boston;" an act of the same year, chapter 52, "to establish a fire department;" 1827, chapter 144, "An Act for the protection of the city against fire;" 1830, "An Act providing for the election of the mayor;" an act of the same year, chapter 7, for the same purpose; 1834, chapter 158, "An Act in further addition to an act establishing the city;" an act of 1835, chapter 128, for the same purpose; an act of 1846, chapter 167, "for supplying the city with pure water;" an act of 1851, chapter 337, being "An Act in regard to the organization and power of the city council;" 1852, chapter 266, "An Act in regard to the city;" 1854, chapter 449, "An Act in addition to an act to revise the charter;" 1854, chapter 443, "An Act for the annexation of the city of Charlestown;" 1867, chapter 359, "An Act to unite the city of Boston and the town of Dorchester,"—were all submitted to a vote of the people, being the only cases which directly interfered with the charter provisions of the city of Boston.

In 1824, "An Act concerning the house of correction

in the city of Boston and providing for filling vacancies in the board of aldermen," and "An Act concerning elections;" 1845, chapter 1, "An Act to establish a municipal court in the city of Boston;" an act of 1871, chapter 280, "to provide for the regulation and inspection of buildings, and for more effectual protection against fire;" 1876, chapter 246, "An Act in relation to ward officers of the city of Boston;" being matters not interfering with the chartered rights of the citizens, but giving them additional powers and privileges, were not submitted to a vote of the people.

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"An Act to authorize the city of Boston to establish a public library," in the year 1848, and "An Act in addition to an act supplying the city with pure water"—the original act having been submitted to the people—and "An Act to amend an act establishing the city;" 1850, chapter 262, "An Act in regard to the fire department;" 1853, chapter 38, "An Act to allow the city of Boston to found and maintain a public library;" 1858, chapter 86, "An Act in further addition to an act for supplying the city with pure water;" and in 1859, an act in further addition to that act; in 1874, chapter 60, "An Act establishing the Board of Registrars of Voters"; 1874, chapter 400, "An Act to authorize the city of Boston to obtain a further supply of pure water,"—were all submitted for ratification by vote of the city council.

In 1875, chapter 243, "An Act to allow the division of the city of Boston into twenty-five wards, and to fix the number of members of the common council, provided that the division should be made by the council."

An act of 1876, chapter 242, relating to the division of ward twenty-two into wards, had been passed by the city council, and was only ratified by the legislature; and in 1878, chapter 244, "An Act in relation to the police department of the city of Boston" was petitioned for by vote of the city council.

I have seemed tedious, I fear, in the enumeration of all these acts; but, so far as I can learn from the debates, they have not been brought to the attention of either branch of the legislature.

But this right to control their own government is a matter of such importance to the nearly score of cities in this Commonwealth, that I have thought it my duty to so far present the details.

Election of
Aldermen in the
City of Boston.

It would lengthen this paper by far too much to examine the legislative action toward other cities of the Commonwealth in the same detail; but the same general facts as to the course of legislation will apply to them, with some isolated exceptions. But even those exceptions, I believe, upon careful examination, will be found to contain this element, — that, where the revision of any portion of the charter has not been submitted to the people of the cities for their adoption, that the cities, by vote, either of their councils or of their people, had applied for such amendments and revisions, or, in other words, previous application of the city had been made to the legislature for the desired changes.

It will be observed that no party or political question or considerations have entered into the constructions of the meaning of the constitution by these acts. They have been made by legislatures of all parties.

Perhaps no more partisan legislature, using that word in its mildest sense, ever heretofore sat in your halls than the legislature of 1879, under the executive guidance of His Excellency Thomas Talbot.

Certainly no more able committees of the judiciary have, for years, sat in your houses than the judiciary committees of that year; and they were so imbued with the spirit of the constitution in this regard, that, by chapter 138 of that year, a slight change was made in the charter of the city of Lowell, without submission to the people; and also, by chapter 3, in the charter of the city of Haverhill: yet, even then, a submission to a two-thirds vote of the city council was required.

Again, by chapter 162 of the acts of that year, an act providing for increasing the salary of the mayor of the city of New Bedford a few hundred dollars per year was submitted to a vote of the people; and by chapter 190, a change in the mode of choosing assessors in the city of Cambridge was submitted to a vote of the people.

And by chapter 146, an amendment changing the tenure of officers from one to three years in the city of Somerville, was submitted to a vote of the people.

Your honorable body has not been unmindful of the spirit of the constitution in this regard, in that you have, at the request of the city of New Bedford, changed the salary of the mayor and submitted that to a vote of its council; and a change in the salary of the mayor of the

city of Worcester was also made upon prior request of that city.

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But in these several changes there was nothing partisan whatever.

All the law books say that contemporaneous construction of constitutional and other legal provisions is the highest and best exposition of the law.

Were the constitutional power as clearly in favor of this bill as it seems to me to be against it, I should still interpose, and feel myself constrained so to do, objection to its passage.

No exigency for it is shown as apparent.

For sixty-two years Boston has had its present form of electing, by general ticket, its upper branch of the city council, and has flourished exceedingly, rising from an insignificant town of twenty thousand inhabitants to a city of 363,000 inhabitants, and it has been the boast of her citizens and is claimed with pride by the State, that she is one of the best, if not *the* very best governed cities in the United States, having by her charter a check upon the local interests of her council, which is elected by wards and districts, in the balancing power of her board of aldermen, every member of which must be elected by her citizens at large, and therefore feel that the city, and not a locality, is their constituency.

Has the experiment of electing aldermen by districts, in New York, worked so favorably that we are now to fall in love with it here, and bow down and worship it?

Nay, has it been deemed a fortunate circumstance that, under the constitution of New York the legislature of that State can impose any sort of a charter it pleases, and as often as it pleases, upon that great city?

Has that been productive of so much good that we can afford to violate both the letter and the spirit of our constitution to attain such an end?

If I could believe the newspapers I should be taught, that the citizens of New York look upon that power of the legislature to impose any form of government upon them, year by year, sometimes, as it is claimed, by bribery and corruption, as a tyranny; and changes of charter as arbitrary, whenever, as it is claimed, it has been done when there is a change in political parties in the State, and sometimes, as has been asserted, in order to affect elections in the State of New York by legislative power.

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Of course, nothing of that sort could by any possibility affect the action of a Massachusetts legislator.

But ought we not to see to it that a precedent shall not be established in these, the pure days of Massachusetts politics, which may hereafter be quoted against us when bad men and partisan politicians may sit in our seats?

Again, I suppose there is no exigency for this bill because, if I may quote the same authority, I should be taught that the same men who now favor this change in the city charter opposed it one year ago, showing that full reflection upon the same topic has had its due effect in enlightening the consciences and forming their judgments.

True the force of this argument is weakened by the fact, learned from the same source, that some men who oppose it now favored it then, both of which "modern instances" convince me that we had better go on in the good old ways of our fathers.

Second, Upon examining the details of the bill, I fear that the legislature have not had time 'mid their arduous duties to observe its full effect.

I suppose that equality of representation in every legislative body is fundamental, that is to say, it has always been held unjust to so arrange representative districts as to give to a few more power than the many.

Unfortunately Massachusetts has had a bad eminence in that regard which no act of mine shall exalt.

A division of Massachusetts into districts in the olden time, even in the pure days of our Revolutionary fathers, gave birth to a new word in the English language—"Gerrymander"—so named after one of my predecessors in this chair who was supposed to have planned the districting of the State into unequal representative districts, for political purposes.

The map of Massachusetts, when those districts were made, being painted in colors, made a picture of a strange looking animal, to which this term was applied, and I fear, in examining the outlines of the districts provided for in this bill, if correctly sketched and colored by a comic artist, they would produce an equally uncouth looking, if not as monstrous, a bird.

I find that in district number three, the bill requires eight thousand five hundred and sixty-seven (8,567) legal voters to make an alderman, whereas in district number

twelve it only takes two thousand eight hundred and seventy-two (2,872) to have an alderman of equal weight with the other; that is to say, in district number twelve one voter has just as much power in the city government as four voters in district number three.

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If these stood alone I might suppose it was an inadvertence; but district number eleven, with four thousand and fifty-four (4,054) voters, has the same aldermanic power as district number two, with seven thousand nine hundred and twenty-four (7,924) voters.

With my limited acquaintance with the city of Boston, I do not know but that the weight of the voters in the small districts might outbalance the numbers in the larger ones, but such is not the theory of our constitution and of our government:—equality of rights, equality of power, equality of burdens and equality of privileges under the law, are fundamental and axiomatic.

[To the House of Representatives, May 28.]

I return to your honorable body a bill to authorize the County Commissioners of Plymouth County to enlarge and remodel the House of Correction at Plymouth.

House of Cor-
rection at
Plymouth.

This bill, if it should become a law, authorizes the county commissioners of that county to enlarge the house of correction at Plymouth at an expense not exceeding forty thousand dollars (\$40,000.00), and for that purpose to borrow, on the credit of the county, a sum not exceeding forty thousand dollars (\$40,000.00), and to employ, so far as may be, convict labor to aid in the construction; and, further, to sell the jail and jail-houses, and to use the materials thereof in the construction.

Prior to this bill reaching me, I had received a considerable number of petitions, signed by a large number of the most respectable citizens of that county, asking me to take measures that the same shall not become a law.

These petitions are certainly entitled to weight, at least in so far as to cause me to give the bill the most careful consideration.

Turning to the financial reports of the county, I find that it makes a very creditable exhibit, in so far that its cash debit, above its cash assets, does not exceed the sum of five thousand dollars (\$5,000.00).

House of
Correction at
Plymouth.

It is to be strongly wished that the indebtedment of other counties in the Commonwealth could make, as a rule, any like showing; because, if they could, the people of those counties would not be burdened with very large taxation to meet great liabilities largely incurred for the purpose of the construction of numerous and expensive county buildings, the objection to which is not only the too burdensome interest upon the sum expended in their cost, but also the very large outlay necessary to keep them in repair and to care for them.

In the earlier history of the State, when locomotion was both tedious and expensive, lawyers, judges and other persons who had business to do were compelled to spend a large portion of their time while doing it, in the shire towns.

It was, therefore, then desirable that the courts and their machinery should be brought into as close proximity as possible to the people of the several parts of the county, and so several shire towns were established with county buildings therein, but since the State has been absolutely "gridironed" by railroads, so that every person in the county, as a rule, can, in the course of three hours at the most, reach every other portion of the county at small expense, transact his business in the day and return home at night, the requirement for a number of shire towns in the same county, and their attendant county buildings, has largely ceased.

But it may be said that there need not be, and, as a rule, there is not but one House of Correction in a county for the incarceration of prisoners sent to it.

True; therefore it is all the more necessary that such House of Correction should be at, or as near as possible, the centre of the population of the county.

The convicts sent to such county house largely come there on the sentences of trial justices or police courts, and the cost of their conveyance to and from their places of detention, with the accompanying official fees, become a very large item of county expenditure.

The large sum appropriated by this bill, and the fact that the jail at Plymouth is to be torn down and the materials used in constructing a House of Correction, shows substantially a new jail is to be built in the town of Plymouth.

Now, Plymouth is at the extreme border of the county;

a town of some seven thousand inhabitants, and nearly stationary in its growth. House of
Correction at
Plymouth

It is surrounded by a sparse, and, I am fain to believe, a virtuous and quiet population, who would have little occasion to use a House of Correction.

The larger and more populous and growing towns are, as a rule, near the other extremity of the county, where there is also a rapidly growing city which claims some fifteen thousand inhabitants.

These are economic considerations, which are entitled to some weight in the consideration of the exigencies for this bill.

All the supreme and superior courts now are, or may be, held at Plymouth, and I suppose it is a fact that can hardly disguise itself, that one of the reasons for the promotion of this legislation is, that this large expenditure may tend to fasten the courts in Plymouth as the only shire town.

This appears from the fact that application has been made for another half-shire town in the county, to the present legislature, which application had so much of apparent merit in it, that it had been referred to the next legislature for its consideration, together with the proposition to rebuild the House of Correction.

But this bill, by the energy of its proponents, was brought back again into this legislature by a motion to reconsider, and has passed both branches. The shire-town bill still remains referred to the next General Court.

It may be considered an agreed fact that the present House of Correction is not sufficient to accommodate those sent there, its actual accommodation being only for thirty-two, while there are sometimes more than fifty sent there to be confined.

But the county commissioners have adopted the plan of having the excess confined in the House of Correction, in the neighboring county of Norfolk, where there is ample room, at a cost of some three dollars per week.

The average whole number is forty.

Now, as I am informed that thirty-two can be well enough accommodated in the present House of Correction at Plymouth, and supposing the average excess to be twenty, it will be seen that this large expenditure, if it were \$40,000 only, would be equal to the construction of

House of
Correction at
Plymouth.

a building at an expense of \$2,000 for each such inmate in excess of present accommodation.

This seems to be wholly disproportionate, but of itself would not be a conclusive reason why I should interpose my own judgment against the judgment of the people of that county, but I have no evidence that the people desire this expenditure.

Indeed, I am told, that but three only of those representing wholly that county in the House, voted for this bill.

The determining objection with me is a deeper and farther reaching one.

The bill authorizes the Board of County Commissioners to burden the county with debt in order to construct this building.

Neither of those officers was elected with a view to this exigency, and the people cannot pass upon their fitness to do so grave a work until this debt, eight times larger than the present debt of the county, can be fastened upon them without their desire, and, so far as is apparent, against their consent.

But, beyond this, under our system of constitutional government which recognizes towns, cities and counties as independent bodies for all purposes of local self-government, I do not believe that the legislature has any right to fasten upon such municipal bodies a debt for local purposes without the consent of the people, duly expressed at the ballot-box, upon the very question itself.

This was the earlier and better legal doctrine of the Commonwealth. Our cities, towns and counties existed as independent, local, self-governing bodies before the Commonwealth existed, and I do not believe that the people of the Commonwealth, in framing the Constitution, *did* surrender the rights of local self-government when they framed our Constitution and erected our *General Court*.

I find no language in the Constitution aptly describing such surrender, and I am sure our sturdy fathers, who fought in the Revolution against taxation being imposed upon them without their consent, would never have surrendered such a right without putting such surrender in the plainest and most guarded words.

I take it that the constitutional distinction is this : That the General Court can impose equal taxation upon all the

people, because all the people are represented therein, for the general purposes equally affecting all, but cannot impose a burden of debt on any less than the whole.

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Plymouth.

But the General Court cannot, and, if they can, ought not to impose burdens and taxes upon the local municipalities for their local purposes, only when the consent of the people of such municipalities has been obtained.

By the earliest legislation the duty of building "fit and convenient" houses of correction was imposed upon counties by the legislature authorizing the Court of General Sessions, which was composed of the several justices of peace of the county, to levy a tax for that purpose, but not to run the county into debt for it.

The legislature left it to the county to determine what was a "fit and convenient" House of Correction, making the county liable for the escape of a prisoner, if the escape was owing to the faulty construction of the building.

When the Court of General Sessions was abandoned for county commissioners, by what was an oversight of legislation, the power to build county buildings was left to the discretion of such board; but the discretion was so extravagantly used, and such loads of debt were thrown upon the counties, that the legislature had to interfere and restrict the building of county buildings to a certain percentage on the debt, without leave from the legislature, hence this application to octuple the amount of debt of Plymouth County.

As a result enormous burdens of debt have been imposed upon some counties for such purposes which never would have been imposed upon them if the question of the expenditure had been referred to the people of the counties respectively.

I therefore respectfully call a halt in this direction, and ask the legislature, in the light of these, my objections, to reconsider this bill, and I return it to the proper body thereof for that purpose.

[To the House of Representatives, May 28.]

I crave indulgence for supposing that I can now be permitted to take official notice of the public action of your honorable body in relation to the message I had the honor to forward to the House on the 23d of February, because of the report of a committee of the House upon that

Union Safe
Deposit Vaults.

Union Safe
Deposit Vaults.

subject. Up to this time I have not felt at liberty in any public manner to say anything upon the topics treated upon in that report.

If the honorable House had asked the "Supreme Executive Magistrate" of the Commonwealth for any information to guide its action in that spirit of courtesy and proper official relations that ought to exist between two co-ordinate, and in their spheres equal branches of the government of the Commonwealth, I should have answered an intimation or request in that regard to the House with the frankness with which I am certain the House will do me the credit to say, I have always addressed them. Of course I should not have submitted to the action of any committee of investigation of the action of the Executive, because I respectfully submit the House has no authority to investigate the action of the Executive, or to question it, any more than the Executive has authority to investigate the action of the House, or to question it, its regularity and propriety, except in the manner pointed out by the constitution. The House, as the grand inquest for the purposes of impeachment, can always inquire into the action of any executive officer of the Commonwealth, from the highest to the lowest; and for that purpose may call upon the confidential servants of such officer for any information tending to show him guilty of high crimes and misdemeanors, but for no other object or purpose whatever. The Executive may object, and communicate his objections to the House, to any official act of the House, within the constitutional limit, and no other, and must look only to the official journals of the House to ascertain what the action of the House has been in any matter about which the Executive requires instruction; but the Executive cannot ascertain the official action of the House by inquiring of its clerks or servants, of what it has omitted to do; and any attempt of the Executive to summon them before him for that purpose and oblige them to disclose any action of the House—it might be in secret session—would be a grave contempt of its authority and an indignity shown to its high position, worthy of and demanding attention as very reprehensible, even if there might be no constitutional authority for the redress of such a wrong.

I gather from the report of your committee that the House desires to know when, how, and under what cir-

cumstances the message of the 23d of February, in regard to the bill to incorporate the Union Safe Deposit Vaults was prepared and sent to the House; and I also infer that the committee of the House have not been so fully successful, in gathering that information for the House, as the House might well have hoped it would have been. I therefore take leave respectfully to supply the defects in that information by the following statement:

The bill in question was handed to the private secretary of the Governor late in the afternoon of the 21st of February. Upon examination of it, certain objections impressed themselves upon my mind, which were of weight. I had been called upon to go to Washington by the exigencies of certain private affairs, which demanded my attention, some of which I had been putting off from day to day, in order that I might not be required to go more than once, and also some public business, i. e., business which concerned the Commonwealth, which required my attention there; and I proposed to leave the Commonwealth on the evening of Friday, so as to avoid being absent any more during legislative time than was necessary. Some time after two o'clock on Friday, when, by the rules of the Executive office, the general public would be excluded from the Executive chamber, I called upon one of my stenographic secretaries to take down from my dictation a portion of my message. As I can dictate in a quarter of an hour more than any secretary can write out in an hour, after I had dictated for a proper time to one, I directed him to write out what I had dictated, and sent for the other and dictated to him the remainder, so as at as early a moment as possible I might be able to present the message to the legislature. I was under the impression at that time that the bill had originated in the Senate, and I had so at first written the message. With reasonable speed the message was prepared, written out and presented to me for revision and signature. I corrected it by striking out, on the first page, the words "To the Honorable the Senate," and inserting the words, "To the Honorable the House of Representatives." The only other corrections, if any, were of mere verbal errors. While doing so I was called upon by the Lieutenant-Governor concerning another matter, and I was obliged to show curt courtesy in that interview, and gave him as a reason for so doing that I was writing a

Union Safe Deposit Vaults.

Union Safe Deposit Vaults.

message of objections. He asked me in regard to what bill; and I told him in regard to the bill incorporating the Union Safe Deposit Vaults; and he, with his accustomed courtesy, left. Meanwhile, I had sent one of the clerks to ascertain whether the Senate was in session; he reported that it was not; that it had adjourned some time about two or three o'clock. I then asked him if the House was in session, and was told that it was not. I then signed the message, and said, perhaps irreverently, to my secretary, "Take this message, and when you can catch a legislature, have it delivered to the House. Meanwhile, before you have it presented, have the first sheet, which contains the alteration from 'Senate' to 'House of Representatives,' recopied, as I do not choose to have the message go with that change interlined in it." And from that moment I have never seen the paper containing the message.

At six o'clock that evening I left Boston, and about half-past eight o'clock I left the Commonwealth *en route* for Washington, and I did not return until I got ready.

There is no other fact that I know of that will be of the slightest importance to the House, and as the honorable House of Representatives will see, there has been no reason why every fact should not have been known.

[To the House of Representatives, May 31.]

Expenses of
Tewksbury
Almshouse.

I have permitted the several appropriation bills for the charitable and reformatory institutions of the State, except the Reformatory Prison for Women and the State Prison, to become laws by lapse of time.

As I have heretofore stated in a message to the legislature, I could not approve them in the form in which they were presented to me, and I cannot approve them now.

Some of the institutions I do not think ought to exist in their present form, and those I have already designated; but so long as the legislature sustains them, so long the Governor can have nothing to do but to execute the laws.

I had thought the appropriations would be diminished very largely, saving some one hundred thousand dollars (\$100,000) to the State, which I believed could have been done; and as a guarantee of that belief I offered, in regard to one institution, to pledge my own means to do it. Further investigation made into the expenditures

of the Tewksbury almshouse convinces me, the more I probe them, that I am right.

Expenses of
Tewksbury
Almshouse.

I desire to call the attention of the legislature to the following table taken from the official reports of that almshouse, for the years 1862 and 1882, when under the same superintendence, the only change being in the Board of Inspectors, which table shows the fact of enormous extravagance at the present time, conclusively :—

TEWKSBURY ALMSHOUSE.

	1862.	1882.
Appropriations for current expenses,		
wages and services,	\$46,400 00	\$93,000 00

Expenditures.

	1862.	1882.
Provisions and supplies,	\$29,426 15	\$39,479 92
Clothing and dry goods,	4,800 11	7,290 73
Fuel,	2,918 50	14,171 23
Medicine and medical supplies, . .	442 62	1,458 99
Furniture, beds, etc.,	432 96	1,636 85
Transportation & travelling expenses,	1,535 96	3,947 54
Salaries and wages,	7,464 44	19,485 77
Ordinary repairs, etc.,	2,177 03	3,686 93
Other ordinary expenses,	—	7,499 82
Total current expenses,	\$49,197 77	\$98,657 78

Average number supported per week,	913	895
Average cost per week, per inmate, .	\$1 03	\$2 12
Flour used (cost of),	8,439 75	11,513 76
Cost of flour per inmate,	9 24	12 86
Whole number supported,	2,920	2,964
Admitted,	1,964	2,042
Discharged,	2,012	2,138
Births,	57	104
Deaths,	132	235
Percentage of deaths of average number supported,	14 $\frac{4.5}{100}$	26 $\frac{2.5}{100}$
Percentage of deaths of whole number supported,	4 $\frac{5.2}{100}$	7 $\frac{9.0}{100}$

The foregoing table shows that less than one-half the amount was expended for current expenses of the institution in 1862 for a larger weekly average of inmates, and but little more than one-third of the amount was paid for

Expenses of
Tewksbury
Alms-house.

“services and wages” in that year, that was spent for the same purposes in 1882, and the legislature of 1883 has appropriated nearly three times as much for salaries, and quite double the amount for current expenses for the support of a less number of inmates in the same institution, the only difference being that a larger portion of the inmates are quiet, chronic insane people. Surely an able-bodied insane pauper will eat no more than an able-bodied sane one, and the more of the insane that are sick the less will be the cost of their support.

Another matter to be taken into account is that 1862 was the second year of the war, when the superintendent of this institution, in his report for that year, said:—

“I am happy, moreover, to be able to report that notwithstanding the increased prices of most articles of consumption, and the withdrawal of nearly all our able-bodied inmates, — in consequence of the war,—the expenses of the institution have been materially reduced.” “One reason for this pleasant result is to be found in the fast-growing productiveness of the farm, which contributes largely toward supporting the alms-house.”

I desire further to call attention to the comparison of the death-rate between 1862 and 1882.

In 1862 the whole number of deaths with the larger number of inmates was 132, and at that time they had foundlings at the institution; and the same official reports show substantially all died that were there in 1872. And the whole number of deaths in 1882 was 235. Or $14\frac{4.5}{100}$ per cent. of the average number supported in 1862 died, against $26\frac{2.5}{100}$ per cent. of the average number supported in 1882, when they had no foundlings; thus leaving no apparent cause for this nearly doubled death-rate in 1882, except over-feeding, which would be an adequate one if they consumed all the provisions which the expense account shows they purchased.

A careful examination of this table will show some very astonishing facts, which are worth more than pages of argument. Therefore, as they are simply extracts from official documents, to bring them to the attention of the legislature, and of our common masters, the people of the Commonwealth.

Whether I am right in my belief that these expendi-

tures should be reduced, or the legislature, the issue is made up and has gone to the people and must be determined by them. Neither the Executive, nor the Executive Council can do anything in cutting down the expenses of these institutions. They are all managed by boards and officers beyond our control. If the expenditures for them come to the Governor and Council only in the shape of bills already incurred, and the warrants are for the payment of parties who have furnished labor and material, of course our refusal to pay any one of these bills would only throw the burden upon the unfortunate merchant or laborer who had furnished his merchandise, or had given his labor, respectively, and if refused payment by the Governor, would remain a valid claim against the government to be paid hereafter through the courts. In the case of two or three officers only, amounting to a very small sum comparatively, is there any veto power in the hands of the Governor and Council, the great bulk of the salaries being wholly within the control of the officers of the several institutions. Under the circumstances, the money appropriated by the legislature must be spent, and from the statistics I have shown you above, in my judgment wastefully and recklessly spent. I do thus enter respectfully my protest against these bills becoming laws, and suffer them so to do because further contention upon them would be useless, and delay the legislature in their adjournment without day.

Expenses of
Tewksbury
Alms-house.

[To the Senate, June 2.]

I return to you a bill to incorporate the Newton Associates, which originated in your honorable body, and ask that it may be reconsidered in the light of my objections in writing, sent herewith.

Newton Associates.

This bill was reported from the Committee on Mercantile Affairs, although what the incorporation of a company to buy and sell land has to do with mercantile affairs, I am at a loss to conceive, and I draw some argument from the fact that this bill was referred to such a committee, that it has not heretofore been the policy of the legislature to grant charters to land companies, for I find that there never has been a committee on private lands in either branch of the legislature.

The bill provides for the incorporation of certain per-

Newton Associates.

sons named therein, and their associates, for the purpose of purchasing, holding and possessing in fee simple or otherwise, selling, mortgaging, leasing and improving the real estate in the city of Boston now held by James C. Bayley, Edwin W. Gay, and George A. Valentine as trustees of the Newton Associates, said three trustees being a portion of the incorporators named in the bill, said land being described in said bill, "with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force, applicable to such corporations."

Of course neither your honorable body, nor can I, know what powers will be given to "such corporations" by the legislature hereafter in their wisdom; but, so far as I am informed, there are no "general laws" which give either powers or privileges, or make any restrictions upon "such corporations," for there are no "such corporations" under the general law. On the contrary, land companies are expressly excepted from the general statutes allowing the organization of corporations; so that, so far as I can see, the powers of this corporation would be substantially undefined. And when the legislative policy of the Commonwealth is so far changed as to allow the incorporation of land companies under the general laws, then these associates will have an opportunity to organize.

I have heretofore given to the legislature my objections to this, and any other class of corporations created solely for the purpose of buying, selling, trading and mortgaging lands. In addition to those objections, to which I respectfully beg leave to refer, my further objections are so well stated, clearly, distinctly and cogently set forth in the report of the minority of the Committee on Mercantile Affairs, which has been sent to me as a part of the papers accompanying this bill for my guidance and instruction, that I have chosen to adopt the language, spirit and argument of that report, and make it my own, in the hope that when it is read and considered by the two bodies of the legislature, it will prevent the passage of this bill, as I have no doubt it would have done in the first instance, had it been printed and considered.

The minority of the committee say : —

The bill reported by a portion of your committee, comes before the legislature in consequence of a petition from a certain number of gentlemen who ask for an act of incorporation for the purpose of purchasing real estate in the cities of Boston and Newton. A bill to this effect was presented to your committee and has been withdrawn.

Newton Associates.

No person has appeared before your committee in support of this bill reported, and no person has made, in the presence of your committee, the claim that any necessity exists for the passage of said act, or that any public benefit will accrue in consequence of its passage.

The two parcels of real estate which are designated in the reported bill, are now owned by the same gentlemen who ask for an act of incorporation which, if granted, will give to them rights and privileges which they could not enjoy as individuals.

If the rights and privileges asked for by these petitioners are proper ones to grant, if it is right to create a corporation for the purpose of buying and selling real estate, or for the purpose of holding real estate as an investment of money, an act should be incorporated in the general laws, which would give to all men equal privileges under the law.

Under the general laws now applicable to corporations, it is provided by Sect. 14 of Chap. 106 of the Public Statutes that "for the purpose of carrying on any lawful business not mentioned in the preceding sections, *except buying and selling real estate*, banking and insurance, and any other business, the formation of corporations for which is otherwise regulated by these statutes three or more persons may associate themselves with a capital of not less than one thousand, nor more than one million dollars," the preceding sections alluded to provide for the organizing of corporations for all the various kinds of business named therein; and Chap. 118 and Chap. 119 respectively, in like manner, provide for the formation of corporations for the transaction of the business of banking and insurance. Thus it will be seen that the general laws provide for the formation of corporations for the transaction of any lawful business except for the purpose of buying and selling real estate.

It is contrary to the spirit of our government to give privileges to one class of persons which are forbidden to others. The result sought to be obtained by these petitioners if it ought to be granted, should be granted by a general law, and not by a special act granting exemption and immunity to these petitioners, and not to the general public.

The right of holding real estate by corporations has been carefully guarded and limited by law.

Neither banks, insurance nor trust companies are permitted to invest their capital in real estate.

Savings banks are permitted to hold but one building, and

Newton Asso-
ciates.

that to be used for the transaction of their business, and all real estate of which a savings bank may become the owner must be sold within five years of the date when the title becomes vested in the corporation, excepting only the building occupied for its business.

The legislature of former years has followed closely in the well-defined line of public policy which in this country and Commonwealth has ever been that the aggregation of land is a public evil.

It is desirable, morally, politically and socially, that a large proportion of the people should be land owners.

Upon the individual holding, depends the success and prosperity of our country.

The population of the world comes to this country in search for homes; for the opportunity to purchase land. The desire to own land seems to be instinctive in every man. They come here from countries where it is difficult to purchase land.

The majority of the emigrants who come to our country, come from what might well be called a nation of tenants. They come here to become freeholders — to become freemen.

This State should do no act which will tend towards permitting the holding of lands by corporations. It should rather do all in its power to encourage individual holding, and discourage anything that bears even the semblance of monopoly.

Every corporation to which is granted the right to hold land is given a privilege which is an invasion of the public right. Such a right should never be granted unless it is made manifest that it is a matter of necessity to grant this right, or that it is for public good and not for private gain.

Great power and privilege is given to railroad corporations, to telegraph and other similar corporations, and to our great manufacturing interests; but all these corporations in return are of benefit to the whole community — almost a necessity. Their interests are provided for and the public right is guarded by general law; yet with all this care we are daily confronted with the cry of monopoly.

A monopoly of land in the strong grasp of corporations would be one of the greatest evils that could befall a nation. Now is the time to firmly discountenance any such evil and to say to the people of this State that we, as law makers, recognize their rights, and will protect them from the power of monopoly.

It is the distinctive quality of a corporation that it never dies. The vesting of the title to lands in a corporation may permit the holding in perpetuity.

The life of one man does not admit of great accumulation; and if the State does not create fictitious personages, and vest the title to lands in these creatures of the law, and if the general law of distribution was inflexible, our laws upon this subject would need no amendment.

The vesting of lands in any corporation is an obstacle to their free sale and transfer, and every such obstacle will hereafter be accounted an evil.

Newton Associates.

This Commonwealth has ever been regarded as the place above all others where public rights and public liberty have been carefully guarded; where the rights of the people have been considered superior to the rights of the monopolist.

We are now feeling the strength and power of great corporations, and while we have given to some great privileges, they have proved to be of benefit to the community at large; but the passage of such a bill as the one reported cannot be a benefit to the public. It will be an evil.

The common law gives to a wife the right of dower in the lands of her deceased husband, and our statutes more particularly define her rights.

The wife of any one of these petitioners, he being possessed of lands in his individual capacity, is entitled to her dower in such lands, but the formation of such a corporation as the one now the subject of discussion will enable him or them to hold and convey lands in defeat of the rights of the wife.

The property described in the bill reported was valued by the assessors of the city of Boston on the first day of May, 1882, at the gross amount of \$38,500, and divided as follows: The land and building on Columbia Street (see Suffolk Deeds, Lib. 1500, Fol. 615) were valued at \$19,500, and are apparently unincumbered; the land and building on Washington Street (see Suffolk Deeds, Lib. 1571, Fol. 381) was valued by the assessors at \$19,000, and is incumbered by a mortgage of the amount of \$20,000, apparently leaving an equity of \$18,500 in the whole property. Such an amount of property does not necessitate the creation of a corporation for its management.

The holding of such an amount of property does not necessitate the issue of stock to the amount of \$40,000, and the right to issue stock to the amount of \$100,000 does not appear to be proper on the small equity represented.

All of the property described is now improved, covered with substantial brick buildings, and occupied for mercantile purposes and for dwellings; and the title to all this property is now in these petitioners, who have presented no reason for any change in the manner of holding.

Unless some strong necessity exists no act should be passed which would give to any person or association immunity and privileges which cannot be enjoyed under general laws.

For the reason before given, and believing that the establishment of a corporation for the purpose of buying and selling real estate is contrary to public policy, we recommend that the petitioners have leave to withdraw.

(Signed)

GEORGE L. CLARK.
MICHAEL SEXTON.

Newton Associates.

I desire to add to those views of the minority of the committee which I have so adopted, only the observation that with a few, as I deem unfortunate and unhappy exceptions, to the interests of the Commonwealth, as I have before explained to the legislature, land companies have only been incorporated as incidental to some great public improvement. As, for example, the Essex Company of Lawrence, which was chartered for the purpose of improving the navigation of the Merrimack River; The Proprietors of the Locks and Canals at Lowell, which was chartered for a like purpose, and the Holyoke and Turner's Falls Company at Holyoke, which was chartered for a like purpose on the Connecticut River, and with the power of holding lands and using the water-power as simply incidental.

I desire to do all that I may to hinder and prevent the establishment of land companies in this Commonwealth, and believing most fully that there is no exigency for this company for the reasons before stated, I am constrained to interpose these my objections.

[To the Senate and House of Representatives, June 4]

Investigation
of Departments
and Bureaus.

It having come to the knowledge of the Executive that there are certain departments of the government of the Commonwealth, and certain administrative bureaus, wherein malfeasance and misfeasance in office, and in administration, do now exist, and have heretofore existed, that require to be investigated and the facts brought to light for future guidance of legislation and administration, and that the officers therein may be dealt with as justice and proper administration demand, I respectfully ask that a joint committee of your honorable bodies be raised in the ordinary manner, and empowered to sit during the recess of the legislature, and investigate such cases as may be brought before them, with power to send for persons and papers, and employ a stenographer and clerk.

I would not trouble the legislature in this regard, except that I have had the honor to bring to the attention of both branches heretofore, the fact that the Executive Department is substantially powerless to make such investigation. There is no appropriation to pay the expenses, and there is no power, in most instances, to carry them on; and I have asked of the legislature that such power

might be given to the governor and council to make such investigations. But the legislature, in its wisdom, has declined so to do, perhaps not wishing to trust the administrative branch of the government with that power, fearing that it might be wrongfully used. I now respectfully ask them to trust themselves to do it, being willing to go before any body of honorable and just-minded men with the matters that I think ought to be looked into, and to present to them such abuses as I think should be remedied, if on an investigation they are found to exist.

Investigation
of Departments
and Bureaus.

[To the House of Representatives, June 7.]

I believe it my duty to make a more formal communication to your honorable body than was informally made by me to the Honorable Speaker of the House, about the loss of the bill in regard to the Plymouth County House of Correction. I find it necessary so to do, because I now find that another bill is missing from my table.

House of Cor-
rection at Plym-
outh.

The custom was, when I came into the Executive office, to have the engrossed parchment rolls containing the bills brought and laid upon my desk, without any record of their receipt, so far as I knew. I requested that they should be laid on the desk of my private secretary, so that he might make a memorandum of their reception, and he then lays them upon my table. After examination they are returned to him to be deposited in the office of the Secretary of State if they are signed. If they are allowed to pass into laws by absence of my signature they are retained until the five days have elapsed. In case of bills to which I make objection, they are left upon my table to be returned with the message of objections to the proper house.

In the case of the Plymouth bill, it was lying on my table, and was examined by me, and the message prepared; and it was lying there while the message was being copied.

On the next day, when the message was to be sent in, it was looked for among the bills on my table, and could not be found. Every inquiry was made for it, and it could not then, and has not since been found.

When the several appropriation bills came, among them was a bill relating to the appropriation for the Tewksbury almshouse. They laid on my table together until I signed certain of them, and certain of them I gave to my private

House of Cor-
rection at Plym-
outh.

secretary, to be by him retained until the five days had expired, then to be sent to the office of the Secretary of State, as laws without my signature. I retained upon my table the bill in regard to the Tewksbury almshouse until I could prepare a message to the House, which I sent in to them, stating the fact that I had come to the conclusion to allow it to become a law. When that message was prepared and sent in, I looked for it among the bills on my table, and could not find it. I then inquired of my private secretary whether he had it, or had returned it to the Secretary of State, and was informed by him that he had not, and search was then made, and that bill could not be found.

It is difficult to see what object any one could have in taking away that bill except pure mischief.

Meanwhile I have lost some small articles from the drawers of my desk, which I either kept unlocked, or locked and the key deposited for convenience in another drawer. That has happened more than once.

I should feel myself responsible for these mischances and losses were it not that there are several duplicate keys to the Executive offices, by which they can be entered at any time by others than my secretaries and messengers, and I understand I have no control of any of the offices in the building. I suppose those keys are kept for the purposes of inspection of the Executive offices, watching against fire, and for the convenience of access of officers of the several departments when anything may be needed in the Executive Department.

I neither desire so to do, nor can I make any charges against anybody, of wrong-doing, but simply make this statement of facts for the information of the House, that they may take such action as they may be advised in regard to remedying such losses of bills.

There is no safe, or other place of deposit in the Executive offices in which these bills could have been any more protected than where they were.

[To the House of Representatives, June 11.]

Brockton Real
Estate Improve-
ment Company.

I feel obliged to return to your honorable body the bill to incorporate the "Brockton Real Estate Improvement Company."

My objections to the bill becoming a law, so far as its

scope and action are concerned, have been set out already in my message to the legislature concerning the bill to incorporate the Newton Associates.

Brockton Real
Estate Improve-
ment Company.

All the evils of a company empowered to hold and sell lands, so far as the scope and action of that bill are concerned, are intensified, in my judgment, in the provisions of this bill, and I respectfully refer to those objections in writing sent to the legislature, as a part of my objections to this bill, except certain ones that are particularly applicable to the condition of the real estate mentioned in that bill.

To lock up fifty acres of land in a landed company in perpetuity, and alter the laws concerning succession in lands, the rights of inheritance and of dower, I hardly need reiterate, is against the public policy of the Commonwealth. And the fact that those objections were held tenable and valid by the requisite vote of the Honorable Senate, emboldens me to present them to the legislature once more through the House, in which this bill originated.

As an additional objection I take leave to refer the legislature to a matter which seems to me of very considerable importance. Chapter 2, sections 7, 8, 9, 10, 11, 12, 13 and 14, inclusive, of the Public Statutes, contains certain provisions of law which are designed, if they are followed, to shorten the sessions of the legislature, which I cannot doubt both houses will agree with me, would be highly desirable, if it can be effected. Those sections provide that whoever intends to apply for an act of incorporation shall give certain notices to the public of that intention, at a suitable time therein stated, before the meeting of the legislature, in the manner and at the times therein stated. It is further therein provided that petitions for such bills shall be presented to the legislature within the first ten days of the session thereafter. It is further provided that in case of exigency, when all parties interested in the subject matter of the petition have waived notice, no other or further proof of notice shall be required. And when it appears that by unavoidable accident, and without default, or that the subject matter of the petition did not admit of such previous notice, that the notice shall be sufficient if given for the required period of time, as soon as the petitioner has discovered his omission, or within a reasonable time

Brockton Real
Estate Improve-
ment Company.

after the subject matter of the petition has arisen, or become known, provided that such petition is presented within thirty days after the assembling of the General Court.

This is the law, and is binding as well on the houses of the legislature as it is on the Executive, and every other citizen of the Commonwealth, until it is repealed, and nobody can waive its provisions.

I find by looking at the papers containing the action of the two houses upon this bill, sent to me with it for my information, that no notice whatever had been given; that there has been no waiver of such notice, nor is there any evidence accompanying the bill that any such exigency has arisen as might in any way dispense with that notice.

Perhaps I might be called upon to presume that all that had been made known to the two houses of the legislature in due form, but that they have failed to report it to me by accident. And if I were satisfied that such were the case I possibly ought not to make objection to the bill on that account.

But I must not forget that the Executive in this regard is a third branch of the legislature, and the evidence of the proper inception of the bill should be brought to me as well as to the two other branches. But, if that were all done, I cannot but observe that the petition, which is among the papers sent to me, shows officially that it was not presented until the fourteenth day of February, which was more than thirty days after the assembling of the General Court. And this plain provision of law cannot be disregarded. It was made for the wise purpose which I have at first indicated, and is to be enforced by the Executive in whatever sphere of his action.

I must therefore ask the reconsideration of this bill, in the light of my objections in writing hereinbefore mentioned.

[To the House of Representatives, June 11.]

House of Cor-
rection at Plym-
outh.

I send herewith the enrolled bill relating to the Plymouth House of Correction, which was not in my office at the time I sent in the message.

I have placed in the hands of the Secretary of State the bill making appropriation for the support of the Tewksbury Almshouse. Both of these bills came to me from outside of the State House, being found in the city.

I do not, at the present time, feel at liberty to give any further information as to when, how, and where found, because I am causing an inquiry to be made, in an endeavor to trace the loss, or taking, as any disclosures might interfere with the progress of that inquiry.

House of Correction at Plymouth.

I feel certain, so far as I have gone, that they were in some way taken from the Executive office, but by whom, how, and when, I cannot possibly tell. The latter bill I find upon reliable evidence was outside of the State House on June first. How much earlier than that, I do not know.

[To the House of Representatives, June 12.]

I have given to the bill, entitled "An Act to authorize cities, towns, fire districts, water, and aqueduct companies, to hold water for sale, and to sell the same to other cities, towns, fire districts, and individuals," that careful consideration which the importance of the subject matter seems to demand.

Bill authorizing certain Corporations to sell Water.

As its title implies, it authorizes several public corporations to sell water to several other public corporations and individuals.

This bill, if it became a law, would authorize any corporation named, which is now or may hereafter be authorized to take and hold water for the purpose of supplying the inhabitants of a particular city, town or fire district with water for specific purposes, in addition to supplying the inhabitants of such city, town or fire district, also to hold for sale the water which they have been authorized to take, and may sell the same for the extinguishment of fires and for domestic *and other purposes* to any city, town, fire district, or corporation, or to any individual residing in a city, town, or fire district not having a water supply of its own.

The bill then provides that if any such corporation wishing to sell its water, and any city, town, fire district, or individual wishing to purchase such water, cannot agree upon the price with the purchaser, that the price may be fixed by commissioners appointed by the Superior Court.

It then enacts that any one of those corporations selling water under its provisions, shall pay all damages sustained by any person in his property by the taking of any additional land, right of way, water source, water right or easement, or by any other thing done under the provisions

Bill authorizing
certain Corpora-
tions to sell
Water.

of this Act, and then provides the same remedy for the party injured as is now provided by law for the taking of land for highways, provided that an application shall be made within three years; but no such application shall be made until the water is actually withdrawn or diverted under the authority of this Act.

It further provides that any such corporation shall within sixty days after the taking of any additional lands, rights of way, water rights, water sources or easements otherwise than by purchase, file and cause to be recorded in the Registry of Deeds for the county within which such lands or property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the chairman of the board or committee having charge of its water works.

Before proceeding to any discussion of the very peculiar provisions of the bill, it is convenient to look carefully at the general subject matter upon which it may act, and see how far its action can be justified within the limits of the Constitution or public policy.

Very many acts within the last few years have been passed for the purpose of supplying inhabitants of cities, towns and villages with water for domestic purposes, and the extinguishment of fires. These are "the specific purposes" mentioned in these acts, and it is one of the serious questions in the immediate future, where the inhabitants of this Commonwealth are to obtain a supply of pure water uncontaminated with sewerage or other deleterious matters, for their domestic uses. This is a question in which the whole public are concerned, and to meet this want the exercise of the right of eminent domain by the legislature, has been freely, and rightly, used. There is a natural right in all men to drink and use for domestic purposes, and for their cattle to drink all the water of natural streams and ponds which they need. And this right has been decided to appertain to the individual citizen as against all provisions of the legislature for the use of water for any other purpose, in several very much controverted cases in the highest courts of the State of Pennsylvania, those courts following the decisions of the English courts. This natural right has been strongly stated by Chief Justice Shaw in a case arising in our own courts. The legislature has interposed its law-making power to

preserve this natural right, by passing laws to prevent the pollution of streams, so as to render their water unfit for such domestic uses. There are other *quasi* public uses of water which have always been held subordinate to this great natural right; that is to say, its use for navigation and for mill purposes.

Bill authorizing certain corporations to sell Water.

Since 1845, when the first act was passed to supply the city of Boston with pure water from Lake Cochituate, lying twenty miles off, the right to take such water has always been held constitutional as a taking for a public use, although the public might be miles distant from the supply; and so far as I am advised, in no instance has the legislature permitted water thus taken by that right, for a public use, to be used for any other than domestic and fire-extinguishing purposes, and never for any other use or purpose, unless the conversion of it into steam for steam-power may be so termed. The use of it for dyeing purposes cannot be said to be in fact other than a domestic use, for as each family would have a right to dip the water from a neighboring stream to dye their goods, the use of water in a dyeing establishment would be only an aggregation of that use. The legislature has never permitted water to be taken under the right of eminent domain to be used as a mechanical power, and in some cases, to prevent all mistake, have actually prohibited it. As an example, the act authorizing the city of Lowell to take water from the Merrimack River for the use of its inhabitants, expressly prohibits its selling it for mechanical power, which prohibition, it may be said in passing, would be repealed by this bill if it became a law.

I do not think it is within the power of the legislature to authorize, under the right of eminent domain, the taking of water to be used for the purposes of mechanical power, by any corporation, municipal or other, and, as I believe, the legislature has never so done; most certainly never has it authorized any individual so to do. Can the legislature authorize a town to take water for a public use, and then authorize it to sell it to any individual for any and all private uses, as does this bill? That is to say, I have a head of water raised by a dam on a stream which is used for manufacturing purposes in running a mill. Can the legislature authorize the town to take that water from me and sell it to my rival in manufacturing, in a neighboring town, to be used in running his mill? Yet this is what

Bill authorizing
certain corpora-
tions to sell
Water.

this bill provides may be done. It is no answer to this proposition that the bill authorizes the town to pay me the damages which I may suffer by the loss of my water, because while I hold my property subject to be taken for a public use upon the payment of damages, I do not hold my property subject to be taken for a private use on payment of damages however great. It is mine, and I cannot be compelled to sell it to my rival. That there may be no mistake, if the bill allowed the sale of water only for public uses — domestic, or for the extinguishment of fires — this objection would not apply. But the bill expressly authorizes the sale of any water heretofore taken, or heretofore authorized to be taken, or hereafter taken, or hereafter authorized to be taken, and all that may be taken by this bill, to be sold to any city, town, fire district or corporation, or any individual for domestic or *other purposes*. That is to say, water heretofore taken for a public use, and upon no other ground whatever, and paid for as for a public use, and damages paid only for that use, may by this bill be used for the purposes of speculation and private gain. And this bill authorizes the taking of any lands, rights of way, water, water rights, water source or easement, or any other thing to enable the corporation so taking to get the water to sell.

Were the general scope of the bill unobjectionable, I pray leave to submit to the legislature whether the bill itself has been sufficiently guarded in its provisions for effecting its object.

The second section is certainly peculiar; that if any city or other corporation having water to sell, and any city, town, fire district or individual wishes to purchase such water, and cannot agree upon the price, then the price and terms shall be determined by three commissioners to be appointed upon the application of either party to the Superior Court. So that for water which it wants to sell a city may have its price fixed for it against its will. Heretofore in this Commonwealth when one has had anything to sell, and another wished to buy it, the legislature has left them to fix the price between themselves, or not conclude the bargain. This is the first time which has come under my notice when a legislature has attempted to interfere with the bargains between citizens for the sale of their own property for a private use, and I do not think it is an experiment which ought to be encouraged. But if it should

be, why does this bill omit to give the same right to a corporation purchasing water to have the price thereof fixed by commissioners, that it gives to individuals? Why this discrimination, after having provided that a corporation may buy?

Bill authorizing certain corporations to sell Water.

Section three is still more peculiar. It provides that when damages are sustained by any person in his property by the taking of any additional land, right of way, water, water source or easement, or by any other thing done by any such corporation, under the authority of this act, such damages shall be paid; and that an application may be made for a jury to assess such damages, provided it is made within three years; but that no application for the assessment of such damages shall be made for the taking of any water or water rights, or injury done thereto, until the water is actually withdrawn or diverted. When shall the application be made if lands and rights of way only are taken? Again, how is the injured party to know when the water is "actually withdrawn," that is, sold? How can the party distinguish that from the water that is used for other purposes? It is true that section four provides that in sixty days after the taking of any such lands, rights of way, water rights or water sources, a description of them shall be filed in the Registry of Deeds, with a statement of the purpose for which the same is taken. But how does any such description show when the water is diverted? In the ordinary case where new water works are being put in, anybody can find out when the water is suffered to run, or is being pumped. But suppose this case: A corporation has a pipe drawing water from any mill-pond for domestic purposes, say a million gallons per day, for which only they have paid me. They deem it for their interests to sell a quarter of a million gallons more per day, and hoist their outlet gate a few inches and draw it; how am I to know when that is done? And under the limitation the time in which I may apply for damages runs against me, and in the end cuts me off from my remedy. What is to be done in that case?

I take leave to ask the attention of the legislature to these objections to the bill, and that they will reconsider it; and if the conclusion is arrived at that the purposes of the bill are within their constitutional power, and it is desirable that such a bill should be enacted, that the rights of property-holders may be guarded by other and different provisions in a new bill.

[To the Senate, June 28.]

Claim of Walter
Shanly.

There has been sent up for my consideration a resolve authorizing the payment of the sum of \$79,495.62 to Walter Shanly, from the treasury, "in full for actual losses and of all legal and equitable claims against the Commonwealth, incurred in the construction of the Hoosac Tunnel, *provided* he will execute and deliver to the treasurer of the Commonwealth, upon payment of the said sum, a release under seal for all claims and demands whatsoever of said Walter Shanly and Francis Shanly, both and either of them, against the Commonwealth."

It seems that Francis Shanly and Walter Shanly, as co-partners, were contractors with the Commonwealth for doing certain contract work upon the Hoosac Tunnel; that they received the full contract price for all work done by them under their contract, being paid in settlement of a balance found due on said contract, after making deductions for payments made and for railroad track not laid, etc., and also the sum of \$27,115.47 for extra work performed by them in connection with the contract.

For this money the contractors "acknowledged to have received payment from the Commonwealth for balance due on the contract, after making certain deductions on account of railroad track not laid, it being in full settlement for all claims against the Commonwealth, except certain equitable claims, for which they proposed to ask relief from the legislature."

This money was paid on a warrant dated December 23, 1874.

Thereafterwards, on the eleventh of January, 1875, the Messrs. Shanly presented their petition to the legislature, in which they embodied all the equitable claims which they claimed to have against the State; that after a full hearing in which the Commonwealth was represented by the attorney-general and the Messrs. Shanly by eminent counsel, a resolve in their favor was reported to the House, which passed after very considerable opposition—for the payment of the sum of \$131,000.00; and on the 26th day of May, 1875, application having been made to the Executive for payment, a warrant was drawn in their favor which ordered the treasurer to pay unto Walter and Francis Shanly, the sum of \$131,000.00, "said sum being in full settlement for all claims against

the Commonwealth on account of the construction of the Hoosac Tunnel;" and this money was paid over and receipted for by Walter Shanly, for himself and as attorney for his brother Francis, on the back of the warrant.

Claim of Walter Shanly.

It will be observed that the sums found due and paid under the contract and for extra work were each the result of calculation, because they are drawn out even to the cents, but the additional amount afterwards appropriated by the legislature was a round sum, showing that, as "equitable claims" only had been presented to the legislature, it gave them a lump sum which was receipted for by them in full settlement for all claims.

I have no knowledge, nor have I sought to inform myself of the equitable considerations which gave rise to some claim by the Messrs. Shanly against the Commonwealth, because it seemed to me that the several proceedings and the payment and receipts for money in pursuance of them, were, or ought to be, forever a bar to any claim whatever.

I have looked into the report of your committee to see what effect they had given the former acts of the Executive and legislature, and to the receipt of money under them by the Messrs. Shanly, and I found it stated in these words: "The receipt was not given under seal."

"It is a well-settled proposition of law that the payment of a less sum than is actually due will not discharge the whole claim, even if a receipt be given for the entire sum. Receipts may be explained by oral testimony."

All of which is true in regard to an ascertained sum, the result of a legal claim, and a receipt in full is given for a less amount actually received. But what is the law if there is no legal claim at all?

If A owes B one thousand dollars for goods sold and delivered at a contract price, and B receives from A five hundred dollars only, it will not, as it ought not, bar B from suing for and recovering the remaining five hundred dollars, although A's receipt should be written in full.

But the rule is entirely different, as I understand it, as it ought to be, in the case of a mere equitable claim sending in damages or for loss sustained, as was the case of the gentlemen Shanly, for which there is no legal demand, but only an equitable claim.

Claim of Walter
Shanly.

Then the offer of a lump sum in full by the one party and received by the other, will be in full whether any receipt is given or not.

This has been adjudged by the Supreme Court of the United States in a series of cases for claims made against the government, arising out of the war, known as the "St. Louis cases" and the "Iron-clad cases;" that is to say, if, for a claim against it, the government offers to pay a certain sum, the party has his option to receive it or not. If he does receive it he must receive it in full as it is offered, and be bound by it, or not receive it at all.

At first blush it would seem that the legislature must have found an exact sum actually due Mr. Shanly by calculation, for the resolve appropriates \$79,495.62; but, turning again to the report of the committee and the resolve as reported to the Senate, I find that the original report was \$129,495.62 instead of \$79,495.62, and that \$50,000.00 was struck off by amendment, although when or how the resolve was so amended does not distinctly appear.

If I should sign this resolve, and Mr. Shanly should take the money, I see nothing to prevent him from coming again to the legislature for that \$50,000 some seven years afterwards, as he has now done, because, although the proviso is that he shall give a release, under seal, both for himself and his brother, who is now dead, I am at a loss to see what possible legal effect such release would have.

Confessedly he has no legal claim upon the Commonwealth, and therefore there is no need of a technical release under seal, even if the release can be so made as to bind his dead brother's estate and his creditors, and I doubt whether any member of the bar could be found who would give an opinion that the release required by the proviso has any legal or equitable effect upon Mr. Shanly's claim. Certainly not as much as did the act of the gentlemen Shanly receiving their money under an agreement that it would be in full in May, 1875.

Consistently with a conscientious discharge of my duty as the constitutional guardian of the public treasury, I cannot permit so large a sum to be drawn therefrom, to be replaced by taxation, where I am thoroughly con-

vinced there is neither legal nor equitable claim against the Commonwealth therefor.

I must, therefore, ask the two Houses, in the light of my objections, to reconsider this resolve.

[To the House of Representatives, June 28.]

I have before me a bill to apportion and assess a State tax of two million dollars. State Tax.

The bill contains nothing more than its title indicates. Therefore, the simple question arises, whether it is either economical or necessary to assess the people of the Commonwealth to that amount to be paid by them into the State treasury during the present year.

I agree fully to the maxim, "pay as you go," but I do not believe that it is wise to assess money in advance of the time when it is to be paid out, to remain on deposit in the several banks of the Commonwealth at three per cent. interest, while the citizens who pay it in their taxes, many of them must borrow the money at five per cent. substantially, as a minimum, or take it from their business at a still greater cost.

I find that on January 1, 1879, there was a "revenue cash" balance in the treasury of \$1,294,517.79, and that the State tax for that year was \$500,000; that there was a "revenue cash" balance in the treasury January 1, 1880, of \$1,083,676.06, and that the State tax for that year was \$1,500,000; that there was a "revenue cash" balance in the treasury January 1, 1881, of \$2,294,055.99, and that the State tax for that year was \$1,500,000; that the "revenue cash" balance in the treasury January 1, 1882, was \$1,351,639.39, and that the State tax for that year was \$2,000,000; and that the "revenue cash" balance in the treasury January 1, 1883, was \$1,793,933.82, and the present bill calls for a State tax of \$2,000,000. Besides this, by the report of the Finance Committee to the House of 1882, accompanying bill for an assessment of the State tax of \$2,000,000 of that year, the whole expenditures then to be provided for, were stated at \$5,284,685.28, and the estimated revenue from other sources than direct taxation, with the cash in the treasury at the beginning of the year, is stated at \$3,965,334.39, leaving a deficit to be provided for by a State tax of \$1,319,350.89.

By the report of the Finance Committee to the House this year, accompanying this bill for an assessment of a

State Tax.

State tax of \$2,000,000, the whole expenditures to be provided for this year are stated at \$5,154,753.18, and the estimated revenue from other sources than direct taxation, with the cash in the treasury on the first of the year, is stated at \$4,494,362.82, leaving a deficit to be provided for this year of only \$660,390.36; a difference of \$658,960.53 in favor of this year; and yet this bill, under this estimate of reduced expenditures and increased revenue, proposes to raise the same tax as last year, thus imposing an unnecessary and unreasonable present burden upon the people.

So far as I can learn from the estimates and appropriations, a tax of \$2,000,000 for the year 1883 will leave a "revenue cash" balance in the treasury January 1, 1884, relatively larger than the balance in the treasury at the beginning of the present year, assuming that the tax will be, as it has been heretofore, substantially collected by the first of January, 1884.

Now, I can see no necessity for having so large a balance of cash on hand on the first of next January as more than one and a half million dollars.

The only reason for it that has been suggested to me, is that it may be needed to pay the necessary expenditures before the taxes for 1884 can be collected. Admitting a need for so much cash there will be, besides the "revenue cash" in the treasury, a large amount due trust funds waiting to be invested. They cannot now be invested at a rate much, if any, exceeding three per cent. Now, I suppose it is well known that several cities and towns borrow money to pay that State tax in anticipation of their revenues, and sometimes they borrow it from the State. That is to say, the State loans them money at short dates on which they pay a considerably larger rate of interest than three per cent. If they borrowed at the same rate that the State receives for its money deposited in the banks, the results would be exactly equal; but as they do not, the higher rate of their loans puts the burden upon the cities and towns.

I agree that it is not desirable, as a rule, that the State should borrow trust funds to be used in paying current expenses, certainly not on long time loans. But as the money is paid in for interest, and otherwise, to the State, and the State has to deposit it until proper investment can be found, getting, as we have seen, a low rate of interest

on the deposit, such funds are practically loaned to the State, and by the State temporarily loaned to the banks in which such moneys are deposited; and the moneys so deposited are much in excess of any amount needed by the State to tide over the interval before the State taxes for the succeeding year are collected. State Tax.

In reading the papers sent me, with the bill containing estimates of expenditures for the year, I notice several items included therein for which this large tax is supposed to make provision, which I hope and believe will not be called for within the present year. Among them is an item for the payment for the Way estate. It is by no means certain that the \$130,000 which will finally be used to pay for the Way estate will be needed, as it is hardly probable that the title to that estate can be settled and the various conflicting interests therein be adjusted within the next six months.

Then I observe that the sum of \$10,000 is appropriated to pay the bounty on beet and sorghum sugar. That bill was passed so late that I doubt whether any considerable quantity of that bounty will be needed.

I also observe an item of \$10,000 is estimated for the rent and taxes of the Pemberton Square offices. It is quite certain that no more than one-half of that amount will be needed.

Then there is an amount of \$79,000 which it is claimed it will be necessary to make provision for out of this surplus of revenue, for the payment of what is known as the Shanly claim. I believe it is by no means certain that that amount will be needed to be expended during the present year.

I also hope that there will be some reduction of expenditures growing out of economic administration during the present year which will accomplish a considerable reduction of the expenditures otherwise necessary to be provided for. This would be especially true in the State Prison, the Reformatory Prison for Women, and the Military Department, which department, and the State institutions, are in a condition now to be carried on by reasonable economy. So that I think it would be safe to calculate that a quarter of a million dollars of the two million the bill provides for, will not be needed, leaving but a small amount comparatively to be provided for by the ways and means I have indicated.

State Tax.

All experience has shown that large cash balances in the treasury of a State or nation tend to extravagance and lavish expenditure, and the legislature are under great temptation to make improvident appropriations. My best opinion is that a State tax of one million would be sufficient to meet the needs of the Commonwealth; but to provide for all possible contingencies, I feel quite certain that a State tax of \$1,500,000 will be ample.

I am the more constrained to this belief because under the reform administration of 1879, the State tax for that year was only \$500,000, while the ordinary expenses did not vary greatly — certainly not in any such proportion as five bears to fifteen — from the expenditure of the present year. And I am not allowed to suppose that for any political purpose the tax of that year was so far reduced as not properly and fairly to meet those expenditures.

With these views, I must ask the House, where, as the Constitution says, “all money bills shall originate,” to reconsider this bill in the light of my objections; and I also invoke the economy and conservatism of the Senate to action in the same direction. Let all departments of the government unite, at least, in trying to lighten the burdens of the State in taxation, a half million dollars, especially as it seems quite probable that at least one important branch of our manufacturing industries, the woolen business, will not be profitable the remainder of the present year.

[To the Senate and House of Representatives, July 2.]

Proposed Adjournment of the Legislature from June 26 to Aug. 27, 1883.

I have the honor to receive a communication from your honorable bodies through your joint committee, based upon the following concurrent order of the two Houses: —

“COMMONWEALTH OF MASSACHUSETTS.

“HOUSE OF REPRESENTATIVES,

“JUNE 22, 1883.

“*Ordered*, That a committee of eight on the part of the House, with such as the Senate may join, be appointed to wait upon His Excellency the Governor, and request him, with the advice and consent of the council, to adjourn the legislature from Tuesday, June 26th inst., to Monday, August 27th, 1883, at 2 o'clock in the afternoon, to the end that the legislature may at that time receive and act upon

the report of the Joint Committee on Public Charitable Institutions in regard to the charges made by His Excellency relating to the management of the State almshouse at Tewksbury.

Proposed Adjournment of the Legislature from June 26 to Aug. 27, 1883.

“S. N. GIFFORD, *Clerk.*”

In compliance therewith, the request set forth in the order was, in due form, made to the Executive.

A request presented in so grave and formal a manner, and being, so far as I am advised, without precedent, and because of the profound respect due any request of both Houses of the legislature, seemed to demand more careful consideration than it could receive if a reply was at once to be made. I therefore craved the indulgence of your committee to report to the two Houses that I would make answer at the earliest possible moment in writing.

The order does not set forth any case of disagreement between the two Houses with regard either to the necessity or expediency or time of adjournment. Therefore the case does not come within the sixth article, section second, of the Constitution.

The Governor, if he shall act at all, must act under the fifth article of said section, which provides that “he shall have power and authority, during the session of the General Court, to adjourn or prorogue the same to any time the two Houses shall desire” . . . “if the welfare of the Commonwealth shall require the same.”

The provisions of the Constitution, therefore, place upon the Executive, and not upon the two Houses, the burden of determining when the “welfare of the Commonwealth requires an adjournment or prorogation to a given time.”

I see that the two Houses agree that different consequences might follow from prorogation by the Governor than from an adjournment at their desire, because, upon examining the proceedings of the two Houses, I find by amendment the word “prorogue” was stricken out and the word “adjourn” substituted. *Ex industria.* This saves me from any consideration or discussion of the different consequences that would flow from an adjournment of the two Houses by the Executive rather than from their prorogation. The sole question then left for me to determine is: Does the welfare of the Commonwealth require the adjournment asked?

Proposed Adjournment of the Legislature from June 26 to Aug. 27, 1883.

I take care to call attention in passing, that the Executive could not literally comply with the request in the order of the two branches in this: that you request the Governor to order an adjournment from June 26 to August 27, when in fact, no order was presented nor request made for such adjournment until June 29, the legislature being then in session.

It is evident from the provisions of the Constitution that its framers understood that this power would be exercised by the Executive only in great public exigencies.

Whenever the Constitution authorizes a call by one of the great departments of the government upon another for guidance, advice or action, it pre-supposes the exercise of such right to be "upon matters and upon solemn occasions," as for example: When either branch of the legislature or the Executive is authorized by the Constitution to require opinions of the justices of the supreme judicial court, it must be upon "important questions of law and upon solemn occasions," the latter, of course, when the advice of the judiciary might be needful to the two branches when the Commonwealth was in deadly peril.

It certainly never was intended that that power should be used by either branch of the government to call upon the judiciary for advice in trivial matters. In other words, one department of the government should not call upon the other as to matters of inconvenience merely, but only in a case of great exigency. I think both Houses will agree with me that this is the true exposition of the Constitution in this regard. Is there now any such exigency of "welfare of the Commonwealth" that requires me to put the Commonwealth to the expense of an extra session of the legislature? Because, however limited the subjects to be acted upon, which might induce the two Houses to desire, and the Executive to order, an adjourned session, it in fact will be, although not technically, an extra session of the legislature; as it would be if the new session came from prorogation to a time certain. It cannot be doubted that the legislature once together in due manner and form, all subjects of legislation are open to them, and they may continue that session until they die by constitutional limitation.

I look, then, to the order to see what public exigency was in the mind of the legislature that both Houses make such a request, and I find it in these words: "To the

end that the legislature may at that time receive and act upon the report of the joint committee on Public Charitable Institutions in regard to the charges made by His Excellency relating to the management of the State almshouse at Tewksbury."

Proposed Adjournment of the Legislature from June 26 to Aug. 27, 1883.

I was a little astonished when I heard the reasons for adjournment announced by the chairman, that so grave a request should be made upon what seemed to me so trivial grounds. I said to him: "May I be permitted to enquire whether there is any other business that will require the attention of the legislature except this?" To which he courteously answered, "I believe, your Excellency, that all matters have been disposed of by the two branches."

There is a very grave mistake of fact contained in the order, to which, in the first place, I desire to call your attention. The order says: "To receive and act upon the report of the joint committee on Public Charitable Institutions, in regard to the charges made by His Excellency relating to the management of the State almshouse at Tewksbury." I beg leave to bring to your notice that His Excellency has made no charges. The legislature authorized its joint committee to make a certain investigation; that committee invited the Governor to come before them and produce any evidence that might have come to his knowledge. In compliance with that invitation, the Governor appeared before your committee, when a motion was made by the counsel appearing to oppose the investigation, that the Governor should put specified charges in writing before the committee *against* the management and *personnel* of the Tewksbury almshouse, which the Governor declined to do on the ground that it was not a part of his duty so to do.

In that position he was sustained by vote of the committee, and the investigation went on, the Governor producing evidence, so far as it came to him, in the first instance to establish the propositions of his message, and then such other evidence as was furnished to him. In the meantime it came to the knowledge of the Governor that the superintendent of the Tewksbury almshouse was not a legally qualified officer of the Commonwealth, and that its money was being disbursed not in accordance with the law. Finding that the trustees of the Tewksbury almshouse had been derelict in their duties, the Governor, under the provisions of statute, devolved their duties upon the State Board of Health, Lunacy and Charity.

Proposed Adjournment of the Legislature from June 26 to Aug. 27, 1883.

After a struggle by that board to find justification for evading their duties under that order, which was futile in its results, the Board took upon themselves the charge of the almshouse, proceeded to reorganize it either by removal or the acceptance of the resignations of the superintendent, resident physician, and assistant superintendent, all of whom had been in charge of the administration of the almshouse for many years.

Meanwhile the appropriation for the support of the almshouse for the coming year had been made, and as new executive officers have been appointed by the State Board of Health, Lunacy and Charity, it may well be presumed that all the existing abuses would be remedied, and I have no knowledge that that is not in process of being done.

Why, then, for all practical purposes, has not the investigation of the committee fulfilled its object? But the committee chose to go on, and the investigation still continues. This change of officers, and the several changes of methods which have been set on foot by the State Board, as announced, either officially or unofficially, through publications by their members, is a confession of judgment that the faults of management and wrongs done by those who had the institution in charge, required the change.

Now assume that the report of the committee be one thing or another, what needed thing can be done by the legislature? They cannot remove, by legislation, the supposed delinquents, for that is done already. They cannot change what has been done; those are accomplished facts.

If the legislature should meet on the 27th of August, and hear the report, what would be gained, all the evidence having already been reported in print? There will then be but four months and a few days at the farthest, before another legislature will come in, and have the whole matter before them, together with all the evidence.

I observe that there is an order introduced into the Senate, that your committee of investigation should sit during the recess of the legislature, and report in print. In my judgment, such action would be wise. Why should not the legislature, after passing that order, be adjourned, go home and read the report of the committee, in print, which they desire to come together as a legislature to hear?

I suppose nobody will assume that the Board of Health,

Lunacy and Charity will not do their duty efficiently, and I commend the promptness of their action after they came to the conclusion to assume the responsibility of acting at all.

Proposed Adjournment of the Legislature from June 26 to Aug. 27, 1883.

The legislature have already been in session, from time to time, quite six months. If I may allude to what is a matter of public history, it will appear upon their journals that a portion of the legislature do not think that the salary fixed by law for their services is sufficient.

Why, without an overwhelming necessity, do they subject themselves to further labor without pay?

It is obvious that if the Governor believed there was no necessity for a further session of the legislature that he would not be too much inclined, so far as it lay in his power to prevent, to permit the State to be put to any additional expense for the travel and pay of the members of the legislature to do that which in his judgment there is no need to be done.

It is not the fault of the Executive that this investigation is not finished.

If the actual intention of the order of investigation was to inquire into what was said in the inaugural address, why delay until nearly three months after the session of the legislature, within which time, in my judgment, the legislature did have ample time to do all needed public business, if they had used all the working days of that time, so as to have been able to adjourn on the first day of April.

The two Houses will see, therefore, that in my view, there is no exigency of the "public welfare" that requires me to adjourn the two Houses to the day named.

I should be very glad to prorogue them on any day they choose, until the first Tuesday in January.

All the bills and resolves, except two, that the legislature have passed have either become laws by limitation of time or have received my signature, or been sent back with my objections, all of which have been sustained. Of these two, the tax bill will be returned to the proper House immediately with the reception of this message, and a resolve will also be returned with my objections.

I have given to the request of the two Houses to adjourn them my most careful consideration; all the more because I find myself obliged to disagree with them in regard to the question claiming the demand of "the welfare of the Commonwealth."

Proposed Adjournment of the Legislature from June 26 to Aug. 27, 1883.

If I could have any doubt upon the question it would be my duty which I should cheerfully perform to resolve it in favor of the request. But I have none whatever.

There is still another reason why I have given this question anxious attention. If the legislature could adjourn itself without my consent, in that case I could throw the responsibility upon them, and it is always a convenience for a public officer to rid himself of responsibilities. But with the full conviction that the legislature cannot adjourn itself, I find myself obliged to take the sole responsibility of denying the request for an adjournment of the legislature to a future date.

I am confirmed in my opinion that the legislature cannot adjourn itself, because I find by the Constitution an express inhibition upon each House to adjourn itself for more than two days at a time with or without the consent of the other, and therein our Constitution differs from the Constitution of the United States.

True, I have heard it said that while the Constitution prevents each House from adjourning, yet there is power in both Houses to adjourn jointly to a future time, but I do not find any such authority in the Constitution.

If it is to be deduced from anything, it is from the fact that, by the Constitution, neither House can adjourn itself to a future day more than two days distant. From that lack of power in each so to do, how any affirmative power in both Houses so to do is obtained, passes my comprehension. I cannot conceive, to state it mathematically, how zero added to zero can produce anything but zero.

Of any supposed right of the two Houses to assemble without the consent of the Governor I say nothing here and now. It is a power, if it exists, that has not been exercised for more than one hundred years.

I could conceive of a possible exigency that might permit it, but that would be an emergency almost justifying revolutionary measures. But to hear or act upon the report of the Tewksbury investigating committee, which in my judgment will not change the opinion or action of a single individual, is not such an exigency.

[To the House of Representatives, July 10.]

State Workhouse destroyed by fire.

The members of the House have undoubtedly been informed, through the public prints, of the destruction of the State Workhouse at Bridgewater by fire.

The whole of the building used for the habitation and confinement of the inmates of the institution was destroyed on Saturday last, leaving unburned the barns and the adjacent out-buildings only.

State Work-house destroyed by fire.

All the buildings were appraised on the first of October last at \$132,000. But as the appraisal is only reported in a lump sum, it is impossible from any official sources to state what is the worth of the remaining buildings.

While the destroyed buildings in a certain degree answered the purposes of the institution, yet, from their piecemeal construction and unfitness for the purpose for which they are devoted, their worth to the State was much less than the appraised value, which it is supposed had some relation to their cost. I have no doubt that for \$60,000, and perhaps less, with due regard for economy, buildings could be built in which the inmates of the work-house could be in a far better manner accommodated and cared for.

There was a very considerable portion of the personal property, consisting of clothing, furniture, tools and machinery destroyed, which makes the loss to the State sufficiently severe.

The inmates — and I use the word as a generic term, because while most come there as convicts, at the present time, yet there are considerable numbers who are there voluntarily — have been provided for at the State Reform School at Westborough, which has sufficient room for their present accommodation. But this provision ought only to be temporary, as in an emergency, if the State Reform School is to be continued. While the whole number of inmates at Bridgewater is at this season of the year somewhere in the neighborhood of one hundred and thirty, yet in the winter season vagrants, common drunkards, and other persons convicted of minor offences are sent there, so as to raise the number in some cases to about four hundred, together with the State paupers who are transferred thence from Tewksbury.

Three questions present themselves to the legislature : —

I. Shall the Bridgewater State Workhouse be continued? If so, it must be rebuilt and equipped at an expense, ultimately, of at least \$100,000.

II. Will the State abandon this feature in her correctional system of administration, and distribute the convicts to the houses of correction in the several counties?

State Work-
house destroyed
by fire.

III. Will the State devote the Westborough establishment to this institution, and distribute its present inmates to other correctional institutions, or endeavor to maintain the school as a part of the State Workhouse?

There is in favor of the first proposition, the fact that there is a large amount of land at Bridgewater, well situated except perhaps as regards drainage, under a very good state of cultivation, with entirely sufficient agricultural buildings. The appraised value of its land is in the neighborhood of twenty-five thousand dollars, and the buildings perhaps some eight or ten thousand dollars more. It may be doubted whether, if the land and buildings are abandoned by the State and sold to the highest bidder, they would bring more than fifteen per cent. upon their cost or appraised value.

Another argument in favor of the same proposition is that by erecting new buildings, the present correctional system for minor offences would be continued in force.

Against it is the expenditure, when fully completed and equipped, of say \$125,000, and establishing a place of confinement where the average board and care of each inmate cost, last year, \$154.74; or a weekly cost of \$3, which is considerably more than double the cost for the same class of convicts in some of the houses of correction in the counties.

The argument in support of the second proposition is that the inmates can be cared for in the houses of correction much more economically than under the State Workhouse system. The paupers can be supported at the State Almshouse, and, under proper administration, can be equally well cared for.

In the affirmative of the third question the argument is that this would be by far the most economical course for the State, if it is to continue the present State Workhouse system; but it would require the abandonment or merging of the Westborough Reform School for Boys, without perhaps any very great harm to the boys, who are under sentence generally for graver offences than are those who are sentenced to the State Workhouse.

There is still another proposition which involves somewhat different consideration: The reports of the increasing number of the insane demonstrate that almost as soon as proper buildings can be prepared, a new insane hospital must be erected, in which it would seem to be as well that

the chronic and imbecile insane who are now under the care of the State, might be put together in one establishment, in plain economical buildings to be adapted to the different treatment needed by each class, where the beneficiaries might be afforded the comforts of more home-like care, and given employments and amusements which would alleviate the sufferings of their unhappy condition in a more economical manner to the State than is now done at either of the hospitals, or the insane asylum at Tewksbury; and the patients at the overcrowded insane hospitals might be so classified as to give greater scope for a hope of improvement than by the present system. Certain it is that something must be done soon in this direction, and this may be the opportune moment to do it. Thereby the well-tilled farm at Bridgewater, with its expensive agricultural buildings and its extent of land, might be utilized to the State, which, if the Bridgewater establishment were to be abandoned, would otherwise be lost.

State Work-house destroyed by fire.

These suggestions, which, from the haste in which they are prepared, I admit to be crude, I respectfully submit for the consideration of the legislature.

I believe if Bridgewater is to be rebuilt an appropriation of \$50,000 to rebuild a portion of it sufficient to accommodate all of the inmates of such an institution that cannot as well be cared for in other institutions, is all that could be profitably used during the present year. And if, say, ten thousand dollars more should be appropriated to refurnish the establishment in addition to the present appropriations, enough may be done to put a very considerable portion of it in working order by the coming winter, so that the inmates who ought to go there can be cared for; the further work to be done to come within the province of the next General Court. If the legislature in its wisdom should come to the conclusion to rebuild the establishment at Bridgewater for any purpose, then I respectfully submit that provision should be made that the plans and specifications of the buildings should be submitted to the governor and council for their approval. There is no occasion to build at Bridgewater either a monument to an architect or an advertisement of architectural designs, but only plain, economical, comfortable houses, substantially fire-proof, for the accommodation and safety of those whose esthetic capacities have either never been cultivated, or are impaired.

[To the Senate, July 27.]

Resolve, in
favor of the
Clerks of the
Senate and
House of Rep-
resentatives.

I have the honor to return to the House in which it originated, a Resolve entitled "A Resolve in favor of the Clerks of the Senate and House of Representatives," and ask a reconsideration of the Resolve by the two Houses. I object to the Resolve because it gives additional salary to two officers of the House and Senate respectively, in addition to their salaries as fixed by law. The present salaries of these offices were fixed at \$2,000 by the Legislature of 1879, whose wisdom I am not permitted to doubt, in this that they fixed the salary of the Governor of the Commonwealth at \$4,000 a year as being in their opinion that "honorable salary," which is provided for the supreme executive magistrate by the Constitution, being a diminution of the former salary of one-quarter of the present. In 1880 those salaries were increased \$500, and are now fixed at \$2,500 per annum. I find that that very deserving officer, with large duties and heavy responsibilities, the Secretary of Commonwealth, receives but \$2,500 per year, the same salary as the Clerk of the Senate and House, and he is obliged to attend sedulously here at the State House during the whole year. The Auditor of Accounts, who is always obliged to attend to his duties here during the whole year, receives a salary of \$2,500, while the Treasurer and Receiver General of the Commonwealth, with the responsibility of many millions, and he is burdened with the procurement of the heavy bond of \$100,000, whose duties confine him closely to his office during the year, has a salary of but \$4,000, and in addition to this he performs the duties of tax commissioner. If these salaries are adequate, and I have seen no proposition to increase them, it seems to me very clear that the salaries of the Clerks of the Senate and House, as now fixed by law, are quite adequate.

I do not wish to be understood in any way as intimating that the Clerks of both House and Senate are not entirely competent and faithful officers, but I assume that the other officers whom I have mentioned are equally so.

It may be claimed in behalf of these first-named officers that this session of the Legislature is unusually, if not unprecedentedly, protracted, and that there has been an extra burden thrown on the Clerks of the two Houses.

That is true, but if, as I had hoped at the commencement of the session of the Legislature, its session had been

unprecedentedly short, then I suppose nobody would have said that their salaries ought to be diminished. Besides, I cannot fail to observe that this session has been equally burdensome upon the members of the House in which this bill originated, and I am bound to assume that their time is as valuable to them and that their labors have been as arduous as those of their Clerks, and the members of that House have not expressed any intention or wish to increase their own salaries on account of the length of the session, and while I applaud the magnanimity which induces them to vote extra compensation to the Clerks of the two Houses and not to themselves, yet it seems to me that the burdens of this long session must, however unfortunate and unpleasant they may be, be borne with patience by all, whether they fall upon the Executive, the members of the Legislature, or any other department of the government, the labors of which have been increased thereby.

Resolve in favor of the Clerks of the Senate and House of Representatives.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

IN compliance with the requirement of the Public Statutes, Chap. 148, Sect. 14, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts in their respective Counties:—

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1882.			
Jan. 2,	Albert Frederick Poor,	Albert Frederick Winslow,	Boston.
2,	Christina McFarland,*	Christina Sellon,	Boston.
2,	Mary Jerome,*	Mary Farrell,	Martha's Vineyard.
9,	Laura Esther Barron,	Laura Esther Hall,	Boston.
16,	George Hastings,	George Henry Hastings,	Boston.
16,	Edward Everett Powers,*	Everett Edward Walker,	Abington, Mass.
Feb. 6,	Alice P. Barton,*	Bertha P. Hayden,	Somerville.
6,	Hattie Evelyn Sessler,*	Hattie Josephine Davies,	Boston.
13,	Mary Elizabeth Murphy,	Mary Elizabeth Douglass,	Boston.
13,	Annie P. Rose,*	Annie Rose Pratt,	Malden.

CHANGE OF NAMES.

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13,	Eva Minnie Elliott,*	.	.	.	Eva Minnie Gardner, .	.	Boston.
20,	William Clarke,*	.	.	.	William Clarke Cross,	.	Chelsea.
27,	John F. Bogan,*	.	.	.	John F. Dwight,	.	Boston.
27,	Caroline Fuller,*	.	.	.	Cora Edna Henshie,	.	Boston.
27,	Percy Young,*	.	.	.	Spurgeon Percy Gifford,	.	Boston.
27,	Mary Ann Heatherstone Harvey,*	.	.	.	Mabel Burleigh, .	.	Boston.
March 13,	Child of unknown parents,*	.	.	.	Walter D. Griggs,	.	Unknown,
20,	Joseph McNeal,*	.	.	.	Joseph Paul Dutram, .	.	Prince Edward Isl'd.
27,	Mary Ellen Powers,*	.	.	.	Mary Ellen Lawton, .	.	Boston.
April 3,	Isabella Chisholm,*	.	.	.	Florence Lorette Hart,	.	Boston.
3,	Helena Wallace,*	.	.	.	Lula Dickerman,	.	Boston.
17,	Bessie Arleen Townsend,*	.	.	.	Minnie Alice Richardson,	.	Bridgewater.
17,	Penelope Moore,	.	.	.	Nellie Moore Taylor, .	.	Boston.
24,	John Colby,*	.	.	.	John Turner,	.	Boston.
24,	Curtis Adams Le Moyne,*	.	.	.	William Francis Cox,	.	Boston.
24,	Gertrude Cox Le Moyne,*	.	.	.	Emma Gertrude Cox, .	.	Boston.
24,	Alice Mand Smith,*	.	.	.	Grace Matilda Welch,	.	Boston.
May 15,	Anna Wallace,*	.	.	.	Annie Leah Kelley, .	.	Boston.
15,	Patrick-henry McSulvin, .	.	.	.	Henry Sulvin,	.	Boston.

* Changed by reason of adoption.

SUFFOLK COUNTY — *Continued.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1882.			
May 15,	Carroll Grant,*	Carroll Raymond Newbert,	Boston.
22,	Child of unknown parents,*	Fred. H. Griffith,	Boston.
22,	Thomas Jones,*	Bert Arthur Gordon,	Boston.
22,	Mary Kelly,	Mary Carpenter,	Boston.
22,	Augusta Greenfield,*	Augusta Weiss,	Boston.
29,	Gertrude Smith,*	Gertrude Magrath,	Boston.
June 19,	Leonie Cox,*	Leonie Nanine Crowell,	Boston.
19,	Barney McAlpine,*	Thomas O'Brien McCabe,	Boston.
July 3,	Minnie Louise Holway,*	Minnie Louise Cross,	State of Maine.
10,	Child of Catherine Haley,*	Elizabeth Cheney Sanger,	Boston.
10,	Bertha May Thompson,*	Florence Edna Mears,	Boston.
10,	Mary Ann Johnson,*	Mabel Elizabeth Sanford,	Boston.
10,	Grace Elizabeth Pantton,*	Gracie Evelyn Gale,	Boston.
10,	Bridget Daly,*	Catherine Mahon,	Boston.
17,	Charlotte Gordon Hoyt,*	Emeline Pike Walton,	Boston.
17,	Carrie Louise Parker Welch,*	Carrie Louise Parker Tobias,	Boston.
24,	William Matthews,*	William Clifton Redder,	Boston.

CHANGE OF NAMES.

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31,	Theodore Bancher Ellis,*	.	.	.	Ray Eugene Robie,	.	.	Boston.
Sept. 4,	Minnie Rich,*	.	.	.	Minnie Isaacs,	.	.	Boston.
4,	Ella P. Emerson,	.	.	.	Ella P. Bowden,	.	.	Boston.
4,	Annie E. Bain,*	.	.	.	Annie E. Coffey,	.	.	Boston.
11,	Alice Henry,*	.	.	.	Alice Keivenaar,	.	.	Chelsea.
Oct. 2,	Palmer McDonnell,*	.	.	.	James Skinner,	.	.	Boston.
2,	Mabel Williams,*	.	.	.	Lena Saloma Banister,	.	.	Boston.
2,	Florence E. Dennett,*	.	.	.	Florence D. Sibley,	.	.	Brooklyn, N. Y.
9,	Arthur Harold Elliot,*	.	.	.	Arthur Harold Miller,	.	.	Boston.
9,	Mary O'Farrell,*	.	.	.	Mary Esprit,	.	.	Boston.
16,	John Thomas,*	.	.	.	John McArthur Butterfield,	.	.	Chelsea.
16,	George Emil Hoffert,	.	.	.	George Emil Homer,	.	.	Boston.
16,	Julia Hickey,*	.	.	.	Harriet Julia Green,	.	.	Boston.
23,	Charles Henry Moore,*	.	.	.	Albert Francis Lyons,	.	.	Boston.
23,	Bertha ———,*	.	.	.	Grace Chickering Brown,	.	.	Syracuse, N. Y.
30,	Alma Ethel Wilson,*	.	.	.	Clara Farwell Hemingway,	.	.	Boston.
30,	Mary Isabelle Corbett,*	.	.	.	Eva Emery Coolbroth,	.	.	Boston.
Nov. 6,	Ephraim Dodge Potter,	.	.	.	William Potter,	.	.	Boston.
6,	Joseph Boyle McGuckian,*	.	.	.	George Mayott,	.	.	Boston.

* Changed by reason of adoption.

SUFFOLK COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Deceased.	Residence.
1882.			
Nov. 13,	William E. Maccue,*	William E. Birkmaier,	Manchester, N. H.
20,	Thomas Edward Shiel,*	Thomas Edward McCarthy,	Boston.
27,	Philip Carr,*	Frank Faulhefer,	Boston.
27,	Mary Clyde Pain,*	Florence Campbell Davis,	Boston.
27,	John Ritter,*	John Sargent,	Boston.
Dec. 4,	Alice Cosman Gray,*	Alice Aritta Potter,	Boston.
18,	Ethel R. Patter,*	Ethel L. Wilson,	Boston.
18,	Louise Richè McKim,	Rogè Coolidge McKim,	Boston.

ESSEX COUNTY.

Jan. 9,	Mary Louisa Rano,*	Annie Louisa Currier,	Worcester.
Feb. 6,	Gracie Maud Bailey,*	Gracie Maud Whitehouse,	Haverhill.
March 6,	Bessie May Brown,*	Bessie Wilson Trask,	Lynn.
6,	Bertie Lewis Tirrell,*	Harry Lewis Howard,	Salem.
13,	Theodore Bird Porter,*	Charles Porter Noyes,	Camden, Maine.

CHANGE OF NAMES.

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April	3,	Minnie Quimber Connor,*	.	.	.	Helena Perkins Mackie,	.	.	Brookline.
	3,	Lillie Sparrow,*	.	.	.	Helen Florence Libbey,	.	.	Boston.
	17,	Irene Bowley,*	.	.	.	Irene Bowley Usher,	.	.	Lynn.
	17,	Joseph Warren Fields,*	.	.	.	Joseph Warren Johnson,	.	.	Peabody.
May	1,	Rufus Gifford,	.	.	.	Rufus Babcock Gifford,	.	.	Salem.
June	12,	Millie Belle Prescott,*	.	.	.	Millie Belle Noyes,	.	.	Methuen.
	26,	Georgie May Ryan,*	.	.	.	Georgie May Ring,	.	.	Boston.
July	3,	Catherine Smith,*	.	.	.	Clara Marie Hamilton,	.	.	Gloucester.
	3,	Annah Laskey,	.	.	.	Annie Dodge,	.	.	Peabody.
	24,	Clemmie M. Buzzell,*	.	.	.	Clemmie M. Todd,	.	.	Newburyport.
	24,	Susie E. Buzzell,*	.	.	.	Susie E. Todd,	.	.	Newburyport.
Oct.	9,	Estella Blanche Meady,*	.	.	.	Estella Maud Johnson,	.	.	Salem.
	9,	Mary Sullivan,*	.	.	.	Mary Sullivan Fay,	.	.	Boston.
	9,	Lulu A. Dore,*	.	.	.	Lulu Dore Abbott,	.	.	Methuen.
	23,	Everett Wellington Norris,*	.	.	.	Everett Wellington McDonald,	.	.	Gloucester.
Nov.	13,	Maude Davis,*	.	.	.	Ella Florence Evans,	.	.	Lawrence.
	13,	Grace Ethel Webster,*	.	.	.	Grace Ethel Butler,	.	.	Lawrence.
	27,	— Armstead,*	.	.	.	John Clifford Parker Woods,	.	.	Newburyport.
	27,	Blanche O. Ingersoll,*	.	.	.	Lillian Earle,	.	.	Gloucester.

* Changed by reason of adoption.

ESSEX COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1882.			
Dec. 4, .	Everett Herrick,*	Everett Joshua Higgins,	Gloucester.
4, .	Martha Claribel Wormstead,	Martha Claribel Stevens,	Lynn.
18, .	Sadie Mary Carlson Nelson,*	Sarah Adaline Hinckley,	Southbridge.
MIDDLESEX COUNTY.			
Jan. 10, .	Edith Young,	Edith Loring Young,	Cambridge.
24, .	James Bartholemew Hartley,	James Bartholemew Hardy,	Somerville.
Feb. 28, .	John Houston,	John Houston Forsaith,	Lowell.
April 4, .	Herman Larch,	Henry Herman Sommerman,	Cambridge.
25, .	Florine Avesta Hogan,	Florine Avesta Elliott,	Cambridge.
Sept. 5, .	Hannah Thomas Craue,	Hannah Thomas Brainard,	Somerville.
5, .	Sophia Annis Curtis,	Frankie Spaulding Curtis,	Hudson.
26, .	Harry Van Duzee,	Harold Van Duzee,	Newton.
Oct. 24, .	Orlando Poskitt,	Orlando Austin Poskitt,	Malden.
Dec 5, .	Etta S. Muzzey,	Etta S. Pease,	Lowell.
Jan. 10, .	Jennie Emerton,*	Jennie Emerton Wheeler,	Lowell.

CHANGE OF NAMES.

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24,	Rosaline Coston,*	.	.	.	Rosaline Covill,	.	.	Medford.
24,	Ellen Maria McBride,*	.	.	.	Nellie Lillie Cooper,	.	.	Woburn.
24,	Vivia Amanda Maloney,*	.	.	.	Vivia Amanda Hathaway,	.	.	Arlington.
Feb. 7,	George Edward Little,*	.	.	.	George Edward Gennery,	.	.	Lowell.
14,	Owen Bent,*	.	.	.	Harry Wayne Richards,	.	.	Lexington.
14,	Daisy Reilley,*	.	.	.	Emily Chace Taylor,	.	.	Melrose.
11,	Albert Hawkins,*	.	.	.	William John McClellan,	.	.	Medford.
28,	Margaret Munroe Davis,*	.	.	.	Flora May Chamberlin,	.	.	Watertown.
28,	John Golden,*	.	.	.	Charles Fletcher Shaw,	.	.	Watertown.
28,	Sarah King,*	.	.	.	Mary Julia Wheeler,	.	.	Stoneham.
28,	Mary Rich,*	.	.	.	Maud Louisa Kendall,	.	.	Watertown.
28,	William J. Boston,*	.	.	.	William John Orcutt,	.	.	Cambridge.
March 14,	William Crooks *	.	.	.	William Hines,	.	.	Stoneham.
28,	Lewis Webster,*	.	.	.	Herbert Louis Osborn,	.	.	Medford.
28,	Bessie Abbie Hall,*	.	.	.	Bessie Abbie Adams,	.	.	Wayland.
28,	Charles Moody Hall,*	.	.	.	Charles Moody Adams,	.	.	Wayland.
28,	Josephine Smith,*	.	.	.	Josephine Eliza Robinson,	.	.	Sudbury.
28,	Abbie Clifford,*	.	.	.	Abbie Pingree,	.	.	Hopkinton.
April 4,	Theodore Johnson,*	.	.	.	Theodore Alarie Peck,	.	.	Cambridge.

* Changed by reason of adoption.

MIDDLESEX COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1882.			
April 11,	Sarah Etta Martin,*	Sarah Etta Huntoon,	Lowell.
May 2,	Herbert Garfield McBaine,*	Herbert Garfield Blake,	Somerville.
23,	Orrin Sampson,*	Wilmot Estes Mayhew,	Medford.
June 13,	Henry B. McBaine,*	Henry Bevin Bourne,	Franklin.
27,	Joseph Henry Linnell,*	Joseph Henry Parker,	Woburn.
27,	Katie Chapman,*	Edna Blanch Cairns,	Cambridge.
July 11,	Lizzie Angeline Hotchkiss,*	Lizzie Allen Rockwood,	Holliston.
18,	Lula Bell Scott,*	Lula Bell Scott Mann,	Cambridge.
25,	Irene Rockwell,*	Irene Rockwell Severance,	Medford.
25,	Theodore Baldwin,*	Theodore Baldwin Whitaker,	Waltham.
25,	Delia Christiansson,*	Delia Cornelia Anderson,	Waltham.
25,	Frederic Ellis,*	Howard Winthrop Burge,	Waltham.
Sept. 5,	Isabella Rebecca Wilde Spinney,*	Isabella Wilde Spinney Matthew,	Woburn.
12,	Edla Charlotte Anderson,*	Edla Charlotte Coes,	Cambridge.
12,	Harry W. Burns,*	Henry Llewellyn Bixbee,	Malden.
12,	Edward Francis Fitzgerald,*	Frank Barnard,	Somerville.
12,	Mary Dudley Keane,*	Mary Greenfield,	Everett.

Oct.	3,	Daisey Kendrick,*	.	.	.	.	Amy Plimpton Fiske,.	.	.	Newton.
	10,	Hattie May Hunter,*	.	.	.	.	Hattie May Rich,	.	.	Malden.
	24,	Henry Barry Conroy,*	.	.	.	.	Franklin Theodore Meador,	.	.	Marlborough.
Nov.	7,	Etta Louise Jordan,*	.	.	.	.	Sybil Louise Richards,	.	.	Natick.
	7,	Minnie Matilda Beck,*	.	.	.	.	Minnie Emeline Hague,	.	.	Malden.
	7,	Clarence Harrington,*	.	.	.	.	Edward Isherwood,	.	.	Lowell.
	14,	John W. McKenney,*	.	.	.	.	William Stevens,	.	.	Groton.
	14,	Carl Augustus Carter,*	.	.	.	.	Carl Augustus Eaton,	.	.	Cambridge.
	28,	Mark Chilson,*	.	.	.	.	Forrest Otto Copithorn,	.	.	Natick.
	28,	Maud Regan,*	.	.	.	.	Abbie Maud Jenness,	.	.	Bedford.
	28,	Florence Greenwood Taber,*	.	.	.	.	Nellie Alice Burke,	.	.	New York.
Dec.	26,	Mabel Young,*	.	.	.	.	Mabel Verne Parker,	.	.	Acton.
	26,	Violet Gordon,*	.	.	.	.	Maud Viola Dwyer,	.	.	Cambridge.

WORCESTER COUNTY.

Jan.	3,	Edward Sanford Fuller,	.	.	.	.	Edward Sanford Crawford,	.	.	Oakham.
	17,	Sarah Janette Carpenter,	.	.	.	.	Sarah Janette Hall,	.	.	Upton.
	17,	Alice F. Harrington,	.	.	.	.	Fannie Harrington Bullard,	.	.	Westborough.

* Changed by reason of adoption.

CHANGE OF NAMES.

WORCESTER COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Deceased.	Residence.
1882.			
Feb. 7.	Warren W. Blakley,	Warren W. Paine,	Millford.
7.	William Frank Smith,	William Frank Bliss,	Brattleborough, Vt.
7.	Caroline A. L. D. Barribeault,	Eva Barribeault,	Spencer.
7.	Ralph Ernest Bowker,	Ralph Ernest Jackson,	Winchendon.
March 7.	Margaret Mitchell,	Edith Elizabeth Gunn,	Northbridge.
April 4.	Mary Lizzie Day,	Mary Lizzie Day Thompson,	Fitchburg.
4.	Edith Baker,	Georgiana Jeanne Spaulding,	Millford.
11.	Minnie F. Parkman,	Minnie F. Bicknell,	Mendon.
18.	Henry Richardson,	Henry Moody Mann,	Worcester.
18.	Mabel Louisa White,	Mabel Louisa Fay,	Worcester.
25.	Laura Maria Chetore,	Laura Minerva Sidney,	Fitchburg.
May 10.	Leroy Alfred Goodrich,	Alfred Leroy Mitchell,	Grafton.
16.	Edith Louisa Hill,	Edith Elizabeth Smith,	West Boylston.
16.	Ada May Clark,	Jeanie May Burt,	Northbridge.
June 6.	Addie C. Howe,	Addie C. Warfield,	Millford.
20.	—, —,	Hattie Mabel Hudson,	Worcester.
July 5.	George Henry Symonds,	Henry Symonds Greeley,	Leominster.

18,	Flora B. Anthony,	Flora B. Aldrich,	Upton.
18,	Eleanor Wight,	Eleanor Morgan,	Worcester.
18,	Edith Howard Davis,	Edith Howard Robinson,	Worcester.
5,	Frank P. Burnham,	Frank Andrews Rixford,	Northbridge.
5,	Frank Dimond Spiller,	Frank Ralph Spiller,	Northborough.
19,	Clara Bell Barton,	Clara Bell Leonard,	Hubbardston.
19,	Henry Francis Barton,	Henry Francis Leonard,	Hubbardston.
19,	Bertha Mabel Pratt,	Bertha Mabel Brewer,	Spencer.
3,	Elizabeth E. Fogarty,	Elizabeth Norton,	Webster.
7,	Annie Louisa West,	Annie Louisa Hastings,	Westborough.
21,	Michael Angelo Breen,	Michael Angelo Shampagn,	Dudley.
21,	Frederick Kennedy Grover,	Frederick Merick Smith,	Southbridge.
28,	Edward B. Turner,	Charles Frederick Batchelder,	Worcester.
19,	Susan E. Reed,	Susan E. Rolfe,	Worcester.
26,	James Alfred Bishop,	Alfred Green Knight,	Southborough.
26,	Edmund Bishop,	Edmund Green Knight,	Southborough.
26,	Anna Melinda Bishop,	Annie Mary Knight,	Southborough.

HAMPSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1882.			
Jan. 3,	Agnes L. Moore,*	Agnes L. Hunt,	Williamsburg.
3,	Albert S. Wright,	Albert S. Fairfield,	Williamsburg.
3,	Clara E. Wright,	Clara E. Fairfield,	Williamsburg.
Feb. 7,	Emma L. Davis,	Emma L. Dickinson,	Amherst.
7,	Lilly Sullivan,*	Bertha M. Kelso,	Huntington.
April 8,	Margaret Fournier,*	Margaret Clapp,	Northampton.
May 2,	Lillian M. Rich,*	Lillian M. Smith,	Amherst.
2,	Mary J. Babcock,*	Mary J. Brown,	Northampton.
Aug. 1,	Paul R. Bridgman,*	Paul B. Lyman,	Belchertown.
Sept. 5,	Michael J. Russell,*	Myron J. White,	Hadley.
Oct. 3,	Florence G. Rich,*	Florence E. Young,	Amherst.
Nov. 8,	Mabel Atkins,*	Mabel Winter,	Ware.

HAMPDEN COUNTY.

Feb. 21,	Grace Buchanan,*	Grace Bartlett,	Chicopee.
21,	Lottie Burke,*	Charlotte Lawler,	Springfield.

March 7,	Elizabeth Sweeney,*	.	.	.	Bessie May Gile,	.	Springfield.
7,	Mary Alice Sweeney,*	.	.	.	Mary Alice Dunbar,	.	Westfield
7,	Flora Atwood,*	.	.	.	Florence Adeline Miller,	.	Springfield.
April 4,	Charlotte Emeline Buxton,*	.	.	.	Charlotte Emeline Hough,	.	Westfield.
May 2	Margaret Griffin,*	.	.	.	Minnie Bryant,	.	Holyoke.
9,	Jennie M. Capin,*	.	.	.	Jennie M. Belden,	.	Monson.
23,	Henry Temple,*	.	.	.	Lewis Henry Fortin,	.	Springfield.
June 24,	(Infant) unnamed,*	.	.	.	Faith L. Atwood,	.	Springfield.
Sept. 5,	Emeline Chatfield,*	.	.	.	Emma Winchester,	.	Westfield.
Oct. 3,	Lucy Janet Bryant,*	.	.	.	Lucy Bryant Foster,	.	Springfield.
Nov. 9,	Jesse Alzina Flanery,*	.	.	.	Jesse Alzina Howard,	.	Chicopee.
28,	Josephine May Bond,*	.	.	.	Josephine May Messier,	.	Wilbraham.
FRANKLIN COUNTY.							
March 14,	Lyman H. Crandall,*	.	.	.	Lyman H. Doolittle,	.	Gill.
23,	Cora Bell Ward,*	.	.	.	Cora Bell Marshall,	.	Montague.
23,	Carrie Dell Ward,*	.	.	.	Carrie Dell Marshall,	.	Montague.
May 23,	Almon Bronson Flanigan (adult person),	.	.	.	Almon Bronson,	.	Charlemont.
Oct. 3,	(Infant) Rice,*	.	.	.	Bernice Rice,	.	Rowe.

* Changed by reason of adoption.

BERKSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1882. March 7, .	Nettie C. Bates,	Nettie E. Bartlett,	Pittsfield.
7, .	Maria Bevelton,	Jessie Bevelton Bartlett,	Pittsfield.
April 13, .	Lena Wein,	Marion Helena Russell,	Pittsfield.
13, .	Margaret McIntire <i>alias</i> Bertha Magdalena,	Bertha Magdalena Russell,	Pittsfield.
13, .	Henrietta Stephenson,	Henrietta Solert,	Pittsfield.
13, .	Emon Martin,	Emon Cardinal,	Adams.
13, .	Mary Powers,	Mary Snyder,	Pittsfield.
13, .	Leland Jay Swan,	Leland Jay Hall,	North Adams.
June 6, .	Margaret Hicock,	Margaret Collins,	Pittsfield.
Sept. 5, .	Blanche Astings,	Blanche Astings Snow,	West Stockbridge.
Dec. 5, .	Elizabeth Rice,	Minnie M. Dyke,	North Adams.

NORFOLK COUNTY.

Feb. 15, .	William Ward Bakie,*	George William Cottle,	Norwood.
March 22, .	Adeline Packard Gibson,*	Grace Adeline Thayer,	Quiney.
22, .	Harry Richards Marble,*	Carl Neilson Tucker,	Milton.

April 12,	Dennis Craige,*	.	.	.	Russell Weston Badger,	.	Quincy.
12,	Walter Rice,*	.	.	.	Raymond Palmer Delano,	.	Hyde Park.
12,	Harriet Powers Smith,*	.	.	.	Hattie Pearl Gleason,	.	Dedham.
19,	Edward Gardner Bowden,*	.	.	.	Edward Gardner Bowditch,	.	Braintree.
19,	William Campbell,*	.	.	.	William Campbell Ellis,	.	Walpole
June 7,	Maud Cameron Campbell,*	.	.	.	Florence Everett Beleher,	.	Bellingham.
July 26,	Lilian Foster Bernstien, otherwise called Lilian Foster Hazlett,*	.	.	.	Lilian Foster Turner,	.	Milton.
Dec. 20,	Mary Jane Bouvey,*	.	.	.	Mary Bouvey Smith,	.	Sharon.
20,	Bessie Eldridge,*	.	.	.	Gertrude Lfa. Sawyer,	.	Medfield.

PLYMOUTH COUNTY.

Jan. 23,	Lewis F. Haskins, Jr.,*	.	.	.	Ernest F. Bumpas,	.	Wareham.
Feb. 13,	Albert W. Holmquest,*	.	.	.	Albert Watfried Petter,	.	Wareham.
13,	George E. Dempsey,*	.	.	.	George E. D. Eschenback,	.	Brookton.
April 10,	William Ives,*	.	.	.	William Ives Jeffries,	.	Middleborough.
24,	Frank Eugene Heath,*	.	.	.	Joseph E. Wrightington,	.	Middleborough.
Nov. 13,	George Henry John Ritter,	.	.	.	George Henry John Arnold,	.	Middleborough

* Changed by reason of adoption.

BRISTOL COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1882.			
Feb. 1,	Minnie Rose,	Anna Thompson,	Dartmouth,
April 7,	Mary Elizabeth Harps,	Mary Elisabeth Munroe,	New Bedford.
May 5,	Elmer E. Dunn,	Elmer E. Simmons,	Fairhaven.
19,	Nameless child,	Mary Frances Ginnolo,	Attleborough.
19,	Mary Dickinson,	Mary Turner,	Fall River.
19,	Mary O'Donnell,	Mary Murphy,	Fall River.
June 2,	Agnes Carney,	Adopted by Thomas Walker and Mary Walker; name unchanged,	Fall River.
July 7,	Charles Edwin Manchester,	Charles Edwin Grinnell,	Attleborough.
Aug. 4,	Mary Elisabeth Carroll,	Anne Hallam,	Fall River,
4,	Helen S. D. Kent,	Mary Whitman Deane,	New Bedford.
4,	Mary J. Kelley,	Mary J. Murphy,	Fall River.
4,	Stephen Franklin Aiken,	Stephen Franklin Allen Jay,	New Bedford.
4,	Elisabeth Lowe,	Catherine Lowe,	New Bedford.
Oct. 6,	Lena Francis,	Mabel Josephine Holloway,	Taunton.
6,	Maude B. Ramsey,	Maude B. French,	Fall River.
6,	Mary Ann King, <i>alias</i> Brennan,	Delight Brown Macomber,	Fall River.

Nov. 3,	William Henry Ryder,	William Henry Frates,	New Bedford.
3,	Freddie Weston Freeman,	Charles Martin Childs,	New Bedford.
3,	Norman Burt Gilman,	Francis Lyman Gilman,	New Bedford.
3,	Michael Gardalla,	Amadeo Clorite,	New Bedford.
3,	Agnes May Haskins,	Agnes May Braley,	Taunton.
Dec. 1,	James William Everett,	William Everett Spooner,	Fairhaven.

BARNSTABLE COUNTY.

May 17,	Nettie M. Totman,	Nettie Mabel Young,	Provincetown.
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NANTUCKET COUNTY.

Nov. 16,	William Pierce (minor),	William Irving Sandbury,	Nantucket.
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CHANGE OF NAMES OF PERSONS IN 1851, 1852 AND 1853.

The following are returns of changes of names in the years 1851, 1852 and 1853, which were never before made to the Secretary:—

SUFFOLK COUNTY.

Date of Decree.	Original Name,	Name Decreed.	Residence.
1851.			
Aug. 25,	Edwin Hatstat,	Edwin Clinton,	Boston.
25,	Ellen S. Hatstat,	Ellen Clinton,	Boston.
Nov. 24,	Henry Welles Smith,	Henry Fowle Durant,	Boston.
Dec. 29,	Patrick Coady,	Edward Johnson Coady,	Boston.
1852.			
Jan. 12,	James Loughheed,	James Loheed,	Boston.
March 1,	Bridget Potter,	Catharine Mineva Potter,	Boston.
22,	Sophia Agnes Murphoy,	Sophia Agnes Hill,	Boston.
April 19,	David C. Cobb,	David Williams,	Boston.
19,	Martha Ann Chase,	Martha Ann Hill,	Boston.
May 3,	Hannah Weld Merry,	Anna Weld Merry,	Boston.
17,	Lydia Barnes,	Lydia Barrows,	Boston.

17,	Horace Granville Barrus,	.	.	.	Horace G. Barrows,	.	.	Boston.
17,	Emmeline Milton Barrus,	.	.	.	Emmeline M. Barrows,	.	.	Boston.
17,	Thaddeus Milton Barrus,	.	.	.	Thaddeus M. Barrows,	.	.	Boston.
17,	Lydianna Barrus,	.	.	.	Lydianna Barrows,	.	.	Boston.
17,	Fanny Forrester Barrus,	.	.	.	Fanny F. Barrows,	.	.	Boston.
17,	Frank Lewis Barrus,	.	.	.	Frank L. Barrows,	.	.	Boston.
31,	Jonas Davis,	.	.	.	John Davis,	.	.	North Chelsea.
Aug. 9,	{ Sybel Maria Moors <i>alias</i> { Lorilla Maria Moore. }	.	.	.	Maria Lorilla More,	.	.	Boston.
Oct. 11,	Emma Cecelia Campion,	.	.	.	Louisa Simes,	.	.	Boston.
11,	Charles Campion,	.	.	.	George Simes,	.	.	Boston.
1853.								
Feb. 7,	John Mason Good Parker,	.	.	.	Mason Good Parker,	.	.	Boston.
28,	Lucy Peabody Greenlaw,	.	.	.	Lucy Peabody De Maine,	.	.	Boston.
28,	Volta Maurice Greenlaw,	.	.	.	Volta Maurice De Maine,	.	.	Boston.
28,	George Festus Greenlaw,	.	.	.	George Festus De Maine,	.	.	Boston.
March 7,	Bill Tewksbury, Jr.,	.	.	.	Hermion Bill Tewksbury,	.	.	Winthrop.
28,	John C. Gillooley,	.	.	.	John C. Williams,	.	.	Boston.
April 11,	Seneca Hill,	.	.	.	James Seneca Hill,	.	.	Boston.
18,	James McCann,	.	.	.	James Bartlett,	.	.	Boston.

SUFFOLK COUNTY — *Concluded*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1853.			
April 18, .	Carlos Milton McNabb, .	Carlos Milton Duncan, .	Boston.
18, .	Frances Juliette McNabb,	Frances Juliette Duncan, .	Boston.
18, .	Mary McNabb, .	Mary Duncan, .	Boston.
June 20, .	Charles Weyman Smith, .	Charles Smith Weyman, .	Boston.
20, .	Robert Greer, .	John Greer, .	Boston.
July 18, .	Michael Coburn, .	Alonzo Walter Coburn, .	Boston.
22, .	Ansel Smith Maxham, .	Andrew Maxham Smith, .	Boston.
29, .	Franklin Cowdin Meriam,	Benjamin Franklin Cowdin,	Boston.
29, .	Thomas O'Brien, .	Thomas Charles Brown, .	Boston.
Sept. 19, .	James Morrissey, .	James Herbert, .	Boston.
Oct. 17, .	Dennis John McGillycuddy,	John Dennis McGill, .	Boston.
Dec. 14, .	Patrick Lawler, .	William Edson Lawler, .	Boston.

FRANKLIN COUNTY.

1852.									
March 9,	Henry Joy,	.	.	.	.	Henry Clay Joy,	.	.	Hawley.
Dec. 21,	Almira Laura Chapin,*	.	.	.	.	Almira L. Bemis,	.	.	Orange.

BERKSHIRE COUNTY.

1853.									
Jan. 4,	Lois I. Rogers,	.	.	.	.	Mary Lois Drake,	.	.	Lee.
Oct. 12,	Lovain Patridge,	.	.	.	.	Leonard Lovain Rider,	.	.	Cheshire.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH
FOR THE POLITICAL YEAR

1883.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
BENJAMIN F. BUTLER,
GOVERNOR.

THOMAS E. MAJOR *Private Secretary.*
EDWARD F. HAMLIN *Executive Clerk.*

HIS HONOR
OLIVER AMES,
LIEUTENANT-GOVERNOR.

COUNCIL — (By Districts).

I. — MATTHEW H. CUSHING Middleborough.
II. — NATHANIEL WALES Stoughton.
III. — WILLIAM A. TOWER Lexington.
IV. — PATRICK MAGUIRE Boston.
V. — EDWARD H. HASKELL Gloucester.
VI. — GEORGE HEYWOOD Concord.
VII. — EBEN A. HALL Greenfield.
VIII. — WELLINGTON SMITH Lee.

HENRY B. PEIRCE,
SECRETARY OF THE COMMONWEALTH.

HENRY J. COOLIDGE, *1st Clerk.* ISAAC H. EDGETT, *2d Clerk.*
GEORGE G. SPEAR, JR., *3d Clerk.*

DANIEL A. GLEASON,
TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.* JOHN Q. ADAMS, *2d Clerk.*

CHARLES R. LADD,
AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* EDWARD S. DAVIS, *2d Clerk.*

EDGAR J. SHERMAN,
ATTORNEY-GENERAL.

HARVEY N. SHEPARD *Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1876.

SENATE.

President — GEORGE G. CROCKER.

District.	Name of Senator.	Residence.
First Suffolk . .	Knowles Freeman . .	Chelsea.
Second “ . .	John H. Sherburne . .	Boston.
Third “ . .	Owen A. Galvin . .	Boston.
Fourth “ . .	George G. Crocker . .	Boston.
Fifth “ . .	James A. McGeough . .	Boston.
Sixth “ . .	Frederick S. Risteen . .	Boston.
Seventh “ . .	Arthur W. Tufts . .	Boston.
Eighth “ . .	Benjamin F. Cutter . .	Boston.
First Essex . .	John R. Baldwin . .	Lynn.
Second “ . .	William Sparhawk . .	Marblehead.
Third “ . .	Isaac A. S. Steele . .	Gloucester.
Fourth “ . .	Charles A. Sayward . .	Ipswich.
Fifth “ . .	Edwin Bowley . .	Haverhill.
Sixth “ . .	James O. Parker . .	Methuen.
First Middlesex . .	George A. Bruce . .	Somerville.
Second “ . .	David Randall . .	Waltham.
Third “ . .	Henry J. Wells . .	Cambridge.
Fourth “ . .	Walter N. Mason . .	Natick.

District.	Name of Senator.	Residence.
Fifth Middlesex . . .	Charles F. Gerry . . .	Sudbury.
Sixth " . . .	Onslow Gilmore . . .	Stonham.
Seventh " . . .	Charles H. Allen * . . .	Lowell.
First Worcester . . .	Charles B. Pratt . . .	Worcester.
Second " . . .	George W. Johnson . . .	Milford.
Third " . . .	Charles P. Barton . . .	Spencer.
Fourth " . . .	Theodore C. Bates . . .	N. Brookfield.
Fifth " . . .	Edward P. Loring . . .	Fitchburg.
Hampshire . . .	Alvan Barrus . . .	Goshen.
First Hampden . . .	William H. Haile . . .	Springfield.
Second " . . .	Dexter B. Hitchcock . . .	Holyoke.
Franklin . . .	Rufus Livermore . . .	Orange.
North Berkshire . . .	Foster E. Swift . . .	North Adams.
South " . . .	John M. Seeley . . .	Gt. Barrington.
First Norfolk . . .	Benjamin S. Lovell . . .	Weymouth.
Second " . . .	Warren E. Locke . . .	Norwood.
First Plymouth . . .	Peleg McFarlin . . .	Carver.
Second " . . .	James S. Allen . . .	E. Bridgewater.
First Bristol . . .	Lincoln S. Drake . . .	Easton.
Second " . . .	John W. Cummings † . . .	Fall River.
Third " . . .	Charles S. Randall . . .	New Bedford.
Cape . . .	Joseph P. Johnson . . .	Provincetown.

STEPHEN N. GIFFORD Clerk.

EDMUND DOWSE Chaplain.

O. F. MITCHELL Sergeant-at-Arms.

* In place of Jeremiah Crowley, unseated January 29.

† Elected February 6, 1883. No choice at November election.

HOUSE OF REPRESENTATIVES.

Speaker — GEORGE A. MARDEN.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1	{ Jesse M. Gove . Benj. F. Campbell .	Boston. Boston.
2d,	Boston, Ward 2	{ Michael J. Dolan . Chris. P. Conlin .	Boston. Boston.
3d,	Boston, Ward 3	{ Samuel C. Hunt . John E. Hayes .	Boston. Boston.
4th,	Boston, Ward 4	. Edwin L. Pillsbury .	Boston.
5th,	Boston, Ward 5	{ John R. Murphy . John Reade .	Boston. Boston.
6th,	Boston, Ward 6	{ M. S. McCormack . James Tarone .	Boston. Boston.
7th,	Boston, Ward 7	{ J. A. McLaughlin . John Doherty .	Boston. Boston.
8th,	Boston, Ward 8	{ Patk. F. McGaragle . Thomas C. Butler .	Boston. Boston.
9th,	Boston, Ward 9	{ George L. Clark . Julius C. Chappelle	Boston. Boston.
10th,	Boston, Ward 10	{ Charles Wheeler . Henry H. Sprague .	Boston. Boston.
11th,	Boston, Ward 11	{ Roger Wolcott . John W. Leighton .	Boston. Boston.
12th,	Boston, Ward 12	{ Patk. F. McDonald . Jer. H. Mullane .	Boston. Boston.
13th,	Boston, Ward 13	{ Cornelius F. Cronin . Francis O'Brien .	Boston. Boston.
14th,	Boston, Ward 14	{ Horace L. Bowker . Wm. H. Frizzell .	Boston. Boston.

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Boston, Ward 15 . {	Oliver G. Fernald . Chas. W. Donahoe .	Boston. Boston.
16th,	Boston, Ward 16 . {	Jer. G. Fennessey . Abraham J. Lamb .	Boston. Boston.
17th,	Boston, Ward 17 . {	Edm. T. Eastman . Jesse L. Nason .	Boston. Boston.
18th,	Boston, Ward 18 . {	Albert T. Whiting . Geo. E. Learnard .	Boston. Boston.
19th,	Boston, Ward 19 . {	Patk. H. Manning . William Kilduff .	Boston. Boston.
20th,	Boston, Ward 20 . {	Arthur F. Means . Wm. H. Sayward .	Boston. Boston.
21st,	Boston, Ward 21 . {	Andrew J. Browne . Halsey J. Boardman .	Boston. Boston.
22d,	Boston, Ward 22 .	Mich. W. Costello .	Boston.
23d,	Boston, Ward 23 . {	George A. O. Ernst . Edward P. Butler .	Boston. Boston.
24th,	Boston, Ward 24 . {	Wm. W. Whitmarsh . Edmund F. Snow .	Boston. Boston.
25th,	Boston, Ward 25 .	Charles L. Randall .	Boston.
26th,	{ Chelsea . . . Revere . . . Winthrop . . . }	Chas. C. Hutchinson . D. Frank Kimball . Thomas Martin .	Chelsea. Chelsea. Chelsea.

COUNTY OF ESSEX.

1st,	{ Rockport Gloucester, Ward 7 }	Edward H. Shaw .	Rockport.
2d,	{ Gloucester, Wards 1, 2, 3, 4, 5, 6 }	Frank H. Gaffney . Erastus Howes .	Gloucester. Gloucester.
3d,	{ Gloucester, Ward 8 Essex . . . Manchester . . . Hamilton . . . }	John H. Cheever .	Manchester.

HOUSE OF REPRESENTATIVES.

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COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Wenham . . . } Danvers . . . }	Alonzo J. Stetson .	Danvers.
5th,	Beverly . . .	John I. Baker . .	Beverly.
6th,	Salem, Wards 1, 2, 5 {	William Cogswell .	Salem.
		John Jackson . .	Salem.
7th,	Salem, Wards 3, 4, 6 {	Chs. W. Richardson .	Salem.
		Edmund B. Willson .	Salem.
8th,	{ Marblehead . . . } Swampscott . . . }	Francis E. Pedrick .	Marblehead
		Thos. P. Wiggins .	Marblehead.
9th,	Lynn, Ward 3 .	John L. Parker .	Lynn.
10th,	{ Lynn, Wards 1, 2, 4, } 5, 7 }	William R. Melden .	Lynn.
		Geo. W. Littlefield .	Lynn.
		Charles H. Baker .	Lynn.
11th,	Lynn, Ward 6 .	James W. Switzer .	Lynn.
12th,	Peabody . . .	Aaron F. Clark .	Peabody.
13th,	{ Saugus } Lynnfield }	Albert H. Sweetser .	Saugus.
	Middleton }		
	Topsfield }		
14th,	{ Andover } North Andover . . . }	Charles Smith . .	Andover.
15th,	{ Boxford } Rowley }	Wm. R. Kimball .	Boxford.
	Ipswich }		
16th,	{ Newbury } Newburyport . . . }	John P. Coombs .	Newburyp't.
		Thos. C. Simpson .	Newburyp't.
17th,	{ Georgetown . . . } Groveland }	W. Scott Peabody .	Groveland.
	Bradford }		
18th,	{ West Newbury . . } Salisbury }	Marq. D. F. Steere .	Amesbury.
	Amesbury }	David L. Ambrose .	W. Newbury.
	Merrimac }		

HOUSE OF REPRESENTATIVES.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
19th,	{ Haverhill . . . } { Methuen . . . }	Daniel B. Cluff . Edwin N. Hill . Adams H. Cogswell .	Haverhill. Haverhill. Methuen.
20th,	{ Lawrence, Wards 1, 2, 3 . . . }	Dennis Gilmartin . Dennis A. Sullivan .	Lawrence. Lawrence.
21st,	{ Lawrence, Wards 4, 5, 6 . . . }	Samuel M. Davis . Daniel F. Dolan .	Lawrence. Lawrence.

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards } { 1, 5 . . . }	Wm. A. Bancroft . Chester W. Kingsley	Cambridge. Cambridge.
2d,	{ Cambridge, Wards } { 2, 4 . . . }	Geo. D. Chamberlain John W. Wilkinson . Lewis W. Howes .	Cambridge. Cambridge. Cambridge.
3d,	Cambridge, Ward 3	Joseph J. Kelley .	Cambridge.
4th,	Somerville, Ward 1	Elijah C. Clark .	Somerville.
5th,	Somerville, Ward 2	Charles S. Lincoln .	Somerville.
6th,	{ Somerville, Wards } { 3, 4 . . . }	Edward Glines .	Somerville.
7th,	Medford . . .	Joshua T. Foster .	Medford.
8th,	{ Malden . . . } { Everett . . . }	William F. Chester . George E. Smith .	Malden. Everett.
9th,	Melrose . . .	Wingate P. Sargent .	Melrose.
10th,	Stoneham . . .	George Cowdrey .	Stoneham.
11th,	Wakefield . . .	Arlon S. Atherton .	Wakefield.
12th,	{ Reading . . . } { North Reading . } { Wilmington . }	Warren Eames .	Wilmington.
13th,	Woburn . . .	John G. Maguire .	Woburn.
14th,	{ Arlington . . . } { Winchester . . }	James F. Dwinell .	Winchester.

HOUSE OF REPRESENTATIVES.

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COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Watertown . . . } Belmont . . . }	Daniel Butler . .	Belmont.
16th,	Newton . . . {	Charles C. Burr . . Thos. Weston, Jr. .	Newton. Newton.
17th,	Waltham . . .	John S Williams . .	Waltham.
18th,	{ Lexington . . . } Burlington . . . } Bedford . . . } Billerica . . . }	Leonard A Saville .	Lexington.
19th,	{ Tewksbury . . . } Chelmsford . . . } Tyngsborough . . } Dracut . . . }	Jesse B. Butterfield .	Tyngsboro'.
20th,	Lowell, Ward 1 . .	John Courtney . .	Lowell.
21st,	Lowell, Ward 2 . .	Daniel H. Varnum . .	Lowell.
22d,	Lowell, Ward 3 . .	Michael Sexton . .	Lowell.
23d,	Lowell, Ward 4 . .	Chas D Starbird . .	Lowell.
24th,	Lowell, Ward 5 . .	George L. Huntoon . .	Lowell.
25th,	Lowell, Ward 6 . .	George A. Marden . .	Lowell.
26th,	{ Concord . . . } Acton . . . } Carlisle . . . } Lincoln . . . }	Samuel Staples . .	Concord.
27th,	{ Weston . . . } Wayland . . . } Sudbury . . . } Maynard . . . }	Henry J. White . .	Weston.
28th,	Natick . . .	Warren A. Bird . .	Natick.
29th,	{ Holliston . . . } Sherborn . . . }	Leonard T. Morse . .	Sherborn.
30th,	{ Hopkinton . . . } Ashland . . . }	Caleb Holbrook . .	Ashland.
31st,	Framingham . . .	James R. Entwistle .	Framingham.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
32d,	Marlborough . . .	Samuel N. Aldrich .	Marlborough.
33d,	{ Hudson . . . } { Stow . . . } { Boxborough . . . } { Littleton . . . }	Luman T. Jeffs .	Hudson.
34th,	{ Westford . . . } { Groton . . . } { Dunstable . . . } { Pepperell . . . }	Charles H. Miller .	Pepperell.
35th,	{ Ayer . . . } { Shirley . . . } { Townsend . . . } { Ashby . . . }	Alonzo A. Carr .	Ashby.

COUNTY OF WORCESTER.

1st,	{ Blackstone . . . } { Uxbridge . . . }	Americus Welch .	Blackstone.
2d,	{ Mendon . . . } { Milford . . . } { Upton . . . }	Thomas J. Hall . D. M. Richardson .	Upton. Mendon.
3d,	{ Northbridge . . . } { Grafton . . . }	Arthur F. Whitin .	Northbridge.
4th,	{ Westborough . . . } { Southborough . . . }	Fitch A. Winchester .	Southboro'.
5th,	{ Clinton . . . } { Berlin . . . } { Bolton . . . } { Sterling . . . } { Lancaster . . . } { Harvard . . . } { Lunenburg . . . }	Henry S. Nourse . Edwin A. Hildreth .	Lancaster. Harvard.
6th,	Fitchburg . . . {	Omon H. Lawrence . Harris C. Hartwell .	Fitchburg. Fitchburg.
7th,	{ Winchendon . . . } { Ashburnham . . . } { Gardner . . . } { Westminster . . . } { Princeton . . . }	Walter O. Parker . Wilder P. Clark .	Ashburnham. Winchendon.

HOUSE OF REPRESENTATIVES.

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COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	{ Athol . . . Royalston . . }	Frank W. Adams .	Royalston.
9th,	{ Petersham . . . Phillipston . . . Templeton . . . Hubbardston . . }	Charles S. Lord .	Templeton.
10th,	{ Dana . . . Hardwick . . . Barre . . . Oakham . . . New Braintree . . }	Allen W. Goodman .	Dana.
11th,	{ Rutland . . . Holden . . . Paxton . . . Leicester . . . }	Richman H. Potter *	Rutland.
12th,	{ West Brookfield . . Warren . . . Brookfield . . . North Brookfield . . Sturbridge . . . }	Emory L. Bates . Horace W. Bush .	Sturbridge. W.Brookfield.
13th,	{ Spencer . . . Charlton . . . Southbridge . . . Oxford . . . }	Benajah U. Bugbee Albert Tyler . .	Southbridge. Oxford.
14th,	{ Douglas . . . Webster . . . Dudley . . . }	Butler Bates . .	Webster.
15th,	{ Auburn . . . Millbury . . . Sutton . . . }	John Hopkins . .	Millbury.
16th,	{ Shrewsbury . . . Northborough . . . Boylston . . . West Boylston . . }	Samuel I. Rice .	Northboro'.
17th,	Leominster . . .	Joel Smith . .	Leominster.
18th,	Worcester, Ward 1 .	Aaron G. Walker .	Worcester.
19th,	Worcester, Ward 2 .	Forrest E. Barker .	Worcester.

* Deceased May 31.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
20th,	Worcester, Ward 3 .	Eug. M. Moriarty .	Worcester.
21st,	Worcester, Ward 4 .	David F. O'Connell .	Worcester.
22d,	Worcester, Ward 5 .	James H. Mellen .	Worcester.
23d,	Worcester, Ward 6 .	George H. Ball .	Worcester.
24th,	Worcester, Ward 7 .	Geo. E. Batchelder .	Worcester.
25th,	Worcester, Ward 8 .	Burton W. Potter .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton . . . Northampton . . . Southampton . . }	{ John F. Warner . . Charles N. Clark . . }	{ Northampt'n. Northampt'n.
2d,	{ Hadley Hatfield Westhampton . . . Williamsburg . . }	{ Daniel W. Wells . . }	{ Hatfield.
3d,	{ Chesterfield . . . Cummington . . . Goshen Huntington Middlefield Plainfield Worthington . . . }	{ Dwight W. Streeter . }	{ Chesterfield.
4th,	{ Amherst Pelham Prescott South Hadley . . }	{ Levi Stockbridge . . }	{ Amherst.
5th,	{ Belchertown . . . Enfield Granby Greenwich Ware }	{ John Tilly . . . }	{ Granby.

COUNTY OF HAMPDEN.

1st.	{ Monson Brimfield Holland Wales }	{ Sol. F. Cushman . . }	{ Monson.
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COUNTY OF HAMPDEN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Palmer . . . } { Wilbraham . . . } { Hampden . . . } { Ludlow . . . }	Warren D. Fuller .	Ludlow.
3d,	Chicopee . . .	Ansel F. Wildes * .	Chicopee.
4th,	{ Springfield, Wards } { 1, 2 . . . }	John Olmsted . . Theodore D. Beach .	Springfield. Springfield.
5th,	{ Springfield, Wards } { 3, 6 . . . }	John B. Stebbins .	Springfield.
6th,	{ Springfield, Wards } { 4, 7 . . . } { Longmeadow . . }	Charles S. Newell .	Longmeadow.
7th,	{ Springfield, Wards } { 5, 8 . . . }	Charles Fuller .	Springfield.
8th,	{ Holyoke, Wards 1, } { 2, 3, 4, 5 . . }	John H. Wright † .	Holyoke.
9th,	{ Holyoke, Wards 6, 7 } { West Springfield . }	A. Higginbottom .	Holyoke.
10th,	{ Westfield . . . } { Agawam . . . } { Montgomery . . }	Wm. H. Whitney . Edwin Leonard, 2d .	Westfield. Agawam.
11th,	{ Southwick . . . } { Granville . . . } { Tolland . . . } { Blandford . . . } { Chester . . . } { Russell . . . }	Charles H. Knox .	Chester.

COUNTY OF FRANKLIN.

1st,	{ Erving . . . } { Warwick . . . } { Orange . . . } { New Salem . . }	Charles A. Towne .	Orange.
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* Elected Jan. 12, 1883. No choice at November election.

† Elected Jan. 24, 1883, in place of Jeremiah J. Donoghue, who died Dec. 17, 1882.

HOUSE OF REPRESENTATIVES.

COUNTY OF FRANKLIN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Montague . . . } { Sunderland . . . } { Leverett . . . } { Shutesbury . . . } { Wendell . . . }	Franklin I. Webster .	Montague.
3d,	{ Greenfield . . . } { Gill . . . } { Shelburne . . . }	John A. Aiken .	Greenfield.
4th,	{ Deerfield . . . } { Conway . . . } { Whately . . . }	Wm. W. Foster * .	Deerfield.
5th,	{ Northfield . . . } { Bernardston . . . } { Leyden . . . } { Colrain . . . } { Heath . . . }	John D. Miller .	Colrain.
6th,	{ Ashfield . . . } { Buckland . . . } { Charlemont . . . } { Hawley . . . } { Rowe . . . } { Monroe . . . }	Henry L. Warfield .	Buckland.

COUNTY OF BERKSHIRE.

1st,	{ Hancock . . . } { Lanesborough . . . } { New Ashford . . . } { Williamstown . . . } { Clarksburg . . . }	Charles D. Belden .	Williamst'n.
2d,	{ Adams . . . } { North Adams . . . }	Nelson H. Bixby . Henry G. B. Fisher .	Adams. North Adams.
3d,	{ Pittsfield . . . } { Dalton . . . }	Jacob Gimlich . John S. Barton .	Pittsfield. Dalton.
4th,	{ Florida . . . } { Savoy . . . } { Cheshire . . . } { Wind-or . . . } { Washington . . . } { Peru . . . } { Hinsdale . . . }	Heman L. Allen .	Windsor.

* Seated Feb. 6, 1853. The return of the November election declared it a tie vote.

HOUSE OF REPRESENTATIVES.

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COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Becket . . . } { Lee . . . } { Otis . . . } { Tyringham . . }	Pliny M. Shaylor .	Lee
6th,	{ Richmond . . . } { Lenox . . . } { Stockbridge . . } { West Stockbridge . }	George E. Kniffin .	W. Stockb'ge.
7th,	{ Alford . . . } { Egremont . . . } { Great Barrington . } { Monterey . . . }	Herbert C. Joyner .	Gt. Barringt'n
8th,	{ Mt. Washington . } { New Marlborough . } { Sandisfield . . . } { Sheffield . . . }	George Kellogg .	Sheffield.

COUNTY OF NORFOLK.

1st,	{ Dedham . . . } { Norwood . . . }	Chas. A. Mackintosh	Dedham.
2d,	Brookline . . .	Ruf. G. F. Candage .	Brookline.
3d,	Hyde Park . . .	Hobart M. Cable .	Hyde Park.
4th,	{ Milton . . . } { Canton . . . }	Henry B. Martin .	Milton.
5th,	{ Quincy . . . } { Weymouth . . . }	George A. Barker . Wm. G. A. Pattee . William N. Eaton .	Quincy. Quincy. Quincy.
6th,	{ Braintree . . . } { Holbrook . . . }	Alva S. Morrison .	Braintree.
7th,	{ Randolph . . . } { Stoughton . . . } { Sharon . . . } { Walpole . . . }	George E. Craig . Bushrod Morse .	Walpole. Sharon.
8th,	{ Franklin . . . } { Foxborough . . . } { Wrentham . . . } { Bellingham . . . } { Medway . . . }	Sabin Hubbard . Fred. H. Williams .	Franklin, Foxborough.

HOUSE OF REPRESENTATIVES.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham . . . } { Dover . . . } { Medfield . . . } { Norfolk . . . } { Wellesley . . . }	Lyman K. Putney .	Wellesley.

COUNTY OF BRISTOL.

1st,	{ Attleborough . . . } { Norton . . . } { Mansfield . . . }	John Whitehill . . Wm. A. Copeland .	Attleborough. Mansfield.
2d,	{ Easton . . . } { Raynham . . . }	George A. Lackey .	Easton.
3d,	{ Taunton . . . } { Berkley . . . }	Francis S. Babbitt . Charles T. Barnard . Herbert L. Peck .	Taunton. Taunton. Taunton.
4th,	{ Acushnet . . . } { Fairhaven . . . } { Freetown . . . }	Rufus A. Dunham .	Fairhaven.
5th,	{ New Bedford, Wards } { 1, 2, 3 . . . }	O. G. Robinson . William A. Searell .	New Bedford. New Bedford.
6th,	{ New Bedford, Wards } { 4, 5, 6 . . . }	Wm. Gordon, Jr. . James R. Denham .	New Bedford. New Bedford.
7th,	{ Westport . . . } { Dartmouth . . . }	John W. Gifford .	Westport.
8th,	{ Fall River, Wards } { 1, 2, 3, 4 . . . }	Charles B. Martin . T. Dwight Stow . Patrick E. Foley .	Fall River. Fall River. Fall River.
9th,	{ Fall River, Wards } { 5, 6 . . . } { Somerset . . . }	Jas. F. Davenport . Job M. Leonard .	Fall River. Somerset.
10th,	{ Seekonk . . . } { Swanzey . . . } { Rehoboth . . . } { Dighton . . . }	James H. Mason .	Swanzey.

COUNTY OF PLYMOUTH.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Hingham . . . } Hull . . . }	Joseph Jacobs, Jr. .	Hingham.
2d,	{ Cohasset . . . } Scituate . . . } South Scituate . . }	Louis T. Cushing .	Cohasset.
3d,	{ Marshfield . . . } Pembroke . . . } Hanson . . . } Halifax . . . }	George F. Stetson .	Hanson.
4th,	{ Duxbury . . . } Kingston . . . } Plympton . . . } Carver . . . }	Fred. M. Harrub .	Plympton.
5th,	Plymouth . . .	Chas. H. Howland .	Plymouth.
6th,	{ Wareham . . . } Rochester . . . } Marion . . . } Mattapoisett . . . }	Isaac F. B. Perry .	Rochester.
7th,	{ Middleborough . . } Lakeville . . . }	Sprague S. Stetson .	Lakeville.
8th,	{ Bridgewater . . . } East Bridgewater . . }	Charles M. Reed .	Bridgewater.
9th,	{ Rockland . . . } Hanover . . . }	Chas. W. Howland .	Rockland.
10th,	{ Brockton . . . } West Bridgewater . . }	Enos H. Reynolds . Wm. L. Douglas .	Brockton. Brockton.
11th,	{ Abington . . . } South Abington . . . }	Andw. C. Brigham .	So. Abington.

COUNTY OF BARNSTABLE.

1st,	{ Sandwich . . . } Falmouth . . . }	Bradford B. Briggs .	Sandwich.
2d,	{ Barnstable . . . } Mashpee . . . }	Francis D. Cobb .	Barnstable.

HOUSE OF REPRESENTATIVES.

COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Yarmouth . . . Dennis . . . }	David Fisk . .	Dennis.
4th,	{ Harwich . . . Chatham . . . }	C. A. Freeman .	Chatham.
5th,	{ Brewster . . . Orleans . . . Eastham . . . Wellfleet . . . }	Sol. Linnell, 2d .	Orleans.
6th,	{ Truro . . . Provincetown . . }	Edward E. Small .	Provincetown

DUKES COUNTY.

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1st,	Nantucket . . .	Josiah Freeman .	Nantucket.
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[Congressional Districts established by Chap. 253, Acts of 1882.]

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Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, October 9th, 1883.

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the tables showing the changes made in the general statutes by the legislation of the present year have been prepared and are published as an appendix to this edition of the laws by direction of the Governor, in accordance with the provisions of Chap. 238 of the Acts of 1882.

HENRY B. PEIRCE,

Secretary of the Commonwealth.

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APPENDIX.

The following tables have been prepared by Franklin F. Heard, Esq., appointed to that duty under Chap. 238 of the Acts of 1882, which authorized the Governor to appoint some person to prepare "tables showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes."

A TABLE SHOWING WHAT STATUTES OF THE COMMON-
WEALTH, AND WHAT CHAPTERS OF THE PUBLIC
STATUTES, HAVE BEEN AFFECTED BY THE
LEGISLATION OF 1883.

STATUTES OF THE COMMONWEALTH.

ST. 1874.

CHAPTER 372.

AN ACT CONCERNING THE BONDS OF RAILROAD CORPORATIONS.

SECT. 49. Bonds and notes issued without having been approved and certified, not to be invalid. St. 1883, c. 7, § 1.

ST. 1881.

CHAPTER 44.

AN ACT TO REGULATE THE TAKING OF FISH IN NORTH RIVER IN THE
COUNTY OF PLYMOUTH.

St. 1883, c. 76, is an act in addition to this act.

SECT. 4. Amended. St. 1883, c. 76, § 2.

ST. 1882.

CHAPTER 77.

AN ACT TO PROVIDE FOR THE CUSTODY OF BOOKS AND PAPERS OF
INSOLVENT SAVINGS BANKS.

SECT. 1. Amended. St. 1883, c. 258, § 2.

CHAPTER 106.

AN ACT IN RELATION TO THE TAXATION OF FOREIGN MINING, QUAR-
RYING AND OIL COMPANIES.

SECT. 4. Amended. St. 1883, c. 74.

CHAPTER 139.

AN ACT TO PERMIT WOMEN TO PRACTICE AS ATTORNEYS AT LAW.

May be commissioned as special commissioners to administer oaths, etc.
St. 1883, c. 252.

CHAPTER 212.

AN ACT TO ESTABLISH AN AGRICULTURAL EXPERIMENT STATION.

The board of control shall report annually to the state board of agriculture. St. 1883, c. 105.

CHAPTER 263.

AN ACT RELATING TO THE ADULTERATION OF FOOD AND DRUGS.

SECT. 5. Amended. St. 1883, c. 263, § 1.

CHAPTER 274.

AN ACT CONCERNING TRANSPORTATION OF LOGS AND TIMBER UPON THE CONNECTICUT RIVER.

SECT. 2. Repealed. St. 1883, c. 183, § 3.

ST. 1883.

CHAPTER 52.

AN ACT TO EXTEND THE TIME WITHIN WHICH SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS MAY SELL CERTAIN REAL ESTATE NOW HELD BY THEM.

St. 1883, c. 248, is an act in addition to this act.

PUBLIC STATUTES.

CHAPTER 1.

OF THE JURISDICTION OF THE COMMONWEALTH AND PLACES CEDED TO THE UNITED STATES.

An act to define the boundary line of tide water between the Commonwealth of Massachusetts and the State of Rhode Island and Providence Plantations. St. 1883, c. 113.

An act establishing a portion of the boundary line between the Commonwealth of Massachusetts and the State of Rhode Island. St. 1883, c. 154.

TABLE OF CHANGES.

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CHAPTER 3.

OF THE STATUTES.

SECT. 1. An act requiring municipal or other corporations to make returns of the acceptance or failure to accept, certain acts and resolves. St. 1883, c. 100.

CHAPTER 4.

OF THE PRINTING AND DISTRIBUTION OF THE LAWS AND PUBLIC DOCUMENTS.

SECTS. 9, 10. Amended. St. 1883, c. 55, § 1.

CHAPTER 7.

OF THE MANNER OF CONDUCTING ELECTIONS AND RETURNING VOTES.

SECTS. 9 *et seq.* Moderators and town clerks may appoint tellers to aid them. St. 1883, c. 229.

SECTS. 36, 52. Contesting candidates may be present at recount of ballots. St. 1883, c. 42.

CHAPTER 11.

OF THE ASSESSMENT OF TAXES.

Basis of apportionment of state and county taxes during the decade ending in the year 1892, established. St. 1883, c. 71.

SECT. 52. Amended. St. 1883, c. 41, § 1.

SECT. 53. Amended. St. 1883, c. 41, § 2.

SECTS. 54, 55. Returns and copies of valuation books to be deposited in the office of the Secretary of the Commonwealth. St. 1883, c. 91.

CHAPTER 12.

OF THE COLLECTION OF TAXES.

SECT. 58. Time extended within which real estate taken for taxes may be sold. St. 1883, c. 101.

CHAPTER 13.

OF THE TAXATION OF CORPORATIONS.

SECT. 20. Time extended to savings banks, for sale of certain real estate. St. 1883, c. 248.

CHAPTER 15.

OF THE EXECUTIVE DEPARTMENT AND THE SECRETARY OF THE COMMONWEALTH.

SECT. 10. Salary of third clerk established. St. 1883, c. 48, § 1.

CHAPTER 16.

OF THE AUDITOR, TREASURER, AND MATTERS OF FINANCE.

SECT. 17. An act authorizing the treasurer of the Commonwealth to employ an additional clerk. St. 1883, c. 164.

CHAPTER 18.

OF NOTARIES PUBLIC AND COMMISSIONERS TO ADMINISTER OATHS OF OFFICE AND TO TAKE ACKNOWLEDGMENTS OF DEEDS, ETC.

Women who are attorneys-at-law may be appointed special commissioners to administer oaths and take depositions and acknowledgments. St. 1883, c. 252.

CHAPTER 19.

OF THE BOARD OF HARBOR AND LAND COMMISSIONERS.

SECT. 6. An act to provide for the removal of wrecks and other obstructions from tide waters. St. 1883, c. 260.

CHAPTER 20.

OF THE STATE BOARD OF AGRICULTURE.

SECT. 4. An act to establish the salary of the secretary of the board of agriculture. St. 1883, c. 184.

CHAPTER 22.

OF COUNTIES AND COUNTY COMMISSIONERS.

SECT. 15. Repealed in part. St. 1883, c. 63, § 2.

CHAPTER 26.

OF MEDICAL EXAMINERS.

SECT. 25. Amended. St. 1883, c. 61.

TITLE VII.

OF TOWNS AND CITIES.

An act requiring municipal or other corporations to make returns of the acceptance or failure to accept certain acts and resolves. St. 1883, c. 100.

CHAPTER 27.

OF TOWNS AND TOWN OFFICERS.

SECTS. 44-49 inclusive. These sections, as far as applicable, shall apply to lines for the transmission of electricity for the purpose of lighting. St. 1883, c. 221.

SECTS 65, 69. Repealed, and new sections substituted. St. 1883, c. 203.

TABLE OF CHANGES.

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CHAPTER 29.

OF MUNICIPAL INDEBTEDNESS.

SECT. 2. The term "net indebtedness" defined. St. 1883, c. 127.

CHAPTER 32.

OF THE REGISTRY AND RETURN OF BIRTHS, MARRIAGES AND DEATHS.

SECT. 5. Amended. St. 1883, c. 124, § 1.

SECT. 7. Amended. St. 1883, c. 158.

CHAPTER 44.

OF THE PUBLIC SCHOOLS.

An act for the establishment and maintenance of evening schools. St. 1883, c. 174.

CHAPTER 47.

OF THE ATTENDANCE OF CHILDREN IN THE SCHOOLS.

SECT. 1. No person is exempted from the requirements of this section by St. 1883, c. 174, entitled, "An Act for the establishment and maintenance of evening schools." St. 1883, c. 174, § 3.

CHAPTER 48.

OF THE EMPLOYMENT OF CHILDREN, AND REGULATIONS RESPECTING THEM.

SECT. 1. Amended. St. 1883, c. 224, § 1.

SECT. 19. Amended. St. 1883, c. 245.

CHAPTER 49.

OF THE LAYING OUT AND DISCONTINUANCE OF WAYS, AND OF DAMAGES OCCASIONED BY THE TAKING OF LAND FOR PUBLIC USES.

SECT. 18. Amended. St. 1883, c. 253.

CHAPTER 50.

OF SEWERS, DRAINS, AND SIDEWALKS.

SECT. 5. Amended. St. 1883, c. 145.

CHAPTER 58.

OF THE INSPECTION AND SALE OF PROVISIONS, AND ANIMALS INTENDED FOR SLAUGHTER.

An act concerning the sale of dressed poultry. St. 1883, c. 230.

CHAPTER 60.

OF THE INSPECTION AND SALE OF VARIOUS ARTICLES.

COMMERCIAL FERTILIZERS.

SECT. 17. Repealed. St. 1883, c. 29.

VINEGAR.

SECT. 69. Amended. St. 1883, c. 257, § 1.

SECT. 71. Provision for compensation of inspector. St. 1883, c. 257, § 2.

COAL.

SECT. 72. An act to regulate the sale of coal by measure. St. 1883, c. 218.

CHAPTER 65.

OF WEIGHTS AND MEASURES.

An act to prevent the use of unlawful measures. St. 1883, c. 225.

CHAPTER 68.

OF HAWKERS AND PEDLERS.

Pedlers' licenses may be granted without fee to any person seventy years of age or upwards. St. 1883, c. 118.

SECTS. 1, 2. Any city may, by ordinance, make regulations respecting the sale of articles enumerated in this section. St. 1883, c. 168.

CHAPTER 74.

OF THE EMPLOYMENT OF LABOR.

SECT. 4. Amended so as to include "mechanical or mercantile" establishments. St. 1883, c. 157.

CHAPTER 80.

OF THE PRESERVATION OF THE PUBLIC HEALTH.

STATE BOARD.

Shall report to the Legislature the number of prosecutions and an account of money expended in carrying out the provisions of St. 1882, c. 263. St. 1883, c. 263, § 2.

TOWN AND CITY BOARDS OF HEALTH.

SECT. 78. Local boards shall notify state board of cases of small-pox. St. 1883, c. 138, § 1.

SECT. 83. City or town shall forfeit expense if notice is not given. St. 1883, c. 138, § 2.

SECT. 88. Amended. St. 1883, c. 133.

TABLE OF CHANGES.

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CHAPTER 82.

OF CEMETERIES AND BURIAL.

SECT. 3. An act giving to a wife the right of interment in a burial lot or tomb owned by her husband. St. 1883, c. 262.

SECT. 6. Amended. St. 1882, c. 142, § 1.

CHAPTER 84.

OF THE SUPPORT OF PAUPERS BY CITIES AND TOWNS.

SECT. 21. Amended. St. 1883, c. 232, § 1.

CHAPTER 86.

OF ALIEN PASSENGERS AND STATE PAUPERS.

SECT. 16. An act concerning the appointment of superintendent and resident physician at the state almshouse. St. 1883, c. 278.

SECT. 28. Repealed. St. 1883, c. 239, §§ 5, 7.

SECT. 44. Amended. St. 1883, c. 232, § 2.

SECT. 46. As amended by St. 1882, c. 181, applies to the St. Mary's Infant Asylum. St. 1883 c. 232, § 3.

CHAPTER 87.

OF LUNACY AND INSTITUTIONS FOR LUNATICS.

DISCHARGE OF LUNATICS.

SECTS. 40 *et seq.* Inmates of lunatic hospitals may be discharged by the superintendent, who may also grant leave of temporary absence. St. 1883, c. 78.

SECT. 56. Repealed in part. St. 1883, c. 239, § 7.

CHAPTER 89.

OF THE STATE PRIMARY AND REFORM SCHOOLS, AND THE VISITATION AND REFORMATION OF JUVENILE OFFENDERS.

SECT. 20. Amended. St. 1883, c. 110.

CHAPTER 91.

OF INLAND FISHERIES.

An act to authorize the commissioners on inland fisheries to issue permits for fishing in the Merrimack River. St. 1883, c. 121.

SECTS. 36-39, inclusive. These sections do not apply to an act entitled, "An Act relative to fishing in the Merrimack River." St. 1883, c. 31.

SECTS. 58, 59. An act to regulate the taking of fish in the Acushnet River in the town of Acushnet. St. 1883, c. 180.

CHAPTER 92.

OF THE PRESERVATION OF CERTAIN BIRDS AND OTHER ANIMALS.

SECT. 6. Amended. St. 1883, c. 36. English sparrows may be taken or killed.

SECT. 8. An act for the preservation of deer within the counties of Plymouth and Barnstable. St. 1883, c. 169.

CHAPTER 94.

OF TIMBER AFLOAT OR CAST ON SHORE.

SECT. 5. Amended. St. 1883, c. 183, § 1.

CHAPTER 97.

OF WRECKS AND SHIPWRECKED GOODS.

An act to provide for the removal of wrecks and other obstructions from tide waters. St. 1883, c. 260.

CHAPTER 99.

OF GAMING.

SECT. 10. Amended. St. 1883, c. 120. Includes persons *present* at games, etc.

CHAPTER 100.

OF INTOXICATING LIQUORS.

SECT. 5. St. 1883, c. 93, relates to applications for, and the granting of, licenses.

CHAPTER 102.

OF LICENSES AND MUNICIPAL REGULATIONS OF POLICE.

INNKEEPERS AND COMMON VICTUALLERS.

SECT. 13. The provisions of this section apply to boarding houses. St. 1883, c. 187, § 1.

CHAPTER 103.

OF DISTRICT AND OTHER POLICE OFFICERS.

Salaries and expenses. St. 1883, c. 190.

SECT. 15. Amended. St. 1883, c. 65.

SECTS. 17, 18, 19. An act to punish persons guilty of disorderly conduct on steamboats and other public conveyances. St. 1883, c. 102.

CHAPTER 104.

OF THE INSPECTION OF BUILDINGS.

An act to provide against the use of unsafe elevators. St. 1883, c. 173.

SECTs. 15, 16, 17, 18. An act to secure better provisions for escape from hotels and certain other buildings in case of fire. St. 1883, c. 251.

SECT. 22. The penalty prescribed in this section applies to St. 1883, c. 251.

TITLE XV.

OF CORPORATIONS.

An act requiring municipal or other corporations to make returns of the acceptance, or failure to accept certain acts and resolves. St. 1883, c. 100.

CHAPTER 109.

OF COMPANIES FOR THE TRANSMISSION OF INTELLIGENCE BY ELECTRICITY.

SECTs. 16, 18. An act relative to the transmission of electricity for the purpose of lighting. St. 1883, c. 221.

CHAPTER 112.

OF RAILROAD CORPORATIONS AND RAILROADS.

SECT. 62. Bonds and notes issued without having been approved and certified, not to be invalid. St. 1883, c. 7, § 1.

SECTs. 148-155 inclusive. Extended. St. 1883, c. 259, § 12.

SECT. 150. Amended. St. 1883, c. 259, § 12.

SECT. 166. Gates and flagmen at railroad grade-crossings, may be ordered by railroad commissioners. St. 1883, c. 117.

SECT. 179. Amended. St. 1883, c. 125. A single examination only for color-blindness is required.

SECT. 180. An act in relation to railroad fares. St. 1883, c. 32.

SECT. 212. Amended. St. 1883, c. 243.

CHAPTER 115.

OF ASSOCIATIONS FOR CHARITABLE, EDUCATIONAL, AND OTHER PURPOSES.

Certain medical societies prohibited from conferring degrees. St. 1883, c. 268, § 1.

PUBLIC STATUTES.

CHAPTER 116.

OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

The term "net indebtedness" defined. St. 1883, c. 127.

SECT. 20. Savings banks and institutions for savings may invest in bonds or notes of the Old Colony Railroad. St. 1883, c. 134.

SECT. 20, cl. 4. An act to limit the investments of savings banks and institutions for savings in the stock of banks and banking associations. St. 1883, c. 202.

SECT. 20, cl. 8. Exemption of savings banks under P. S. c. 13, § 20, from taxation of real estate acquired by purchase under P. S. c. 116, § 20, cl. 8, extended during term which it is held under St. 1883, c. 52. St. 1883, c. 248.

SECT. 44. Repealed. St. 1883, c. 258, § 3.

CHAPTER 117.

OF CO-OPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

TITLE. Amended. St. 1883, c. 98, § 2.

SECT. 3. Amended by St. 1883, c. 98, § 1, and the names of co-operative saving fund and associations changed by § 3.

CHAPTER 119.

OF INSURANCE COMPANIES AND INSURANCE.

An act relating to re-insurance and the risks and returns of insurance companies, and the books of insolvent insurance companies. St. 1883, c. 33.

SECT. 6. Amended. St. 1883, c. 235.

SECT. 11. Amount necessary for re-insurance of outstanding risks to be computed on a new basis. St. 1883, c. 126.

SECT. 30. Certain companies having capital stock of \$300,000 are authorized to insure against perils of tempests on land. St. 1883, c. 33, § 4.

SECT. 133. Risks on property other than dwelling-houses, etc. in any one town or fire insurance district, shall not exceed net assets available for payment of losses in this Commonwealth. St. 1883, c. 33, § 2.

SECT. 171. Receivers of insolvent companies shall within one year, etc. deposit books, papers, etc. with insurance commissioner. St. 1883, c. 33, § 5.

SECT. 173. Repealed. St. 1883, c. 258, § 3.

SECT. 195. Re-insurance not to be effected in any company not authorized to insure in this Commonwealth. St. 1883, c. 33, § 1.

SECT. 218. An act in relation to deposits made by foreign insurance companies with the Treasurer of the Commonwealth. St. 1883, c. 107.

SECT. 227. Blanks for returns to be furnished by the commissioner. St. 1883, c. 33, § 3.

TABLE OF CHANGES.

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CHAPTER 131. OF PUBLIC ADMINISTRATORS.

SECT. 18. Amended. St. 1883, c. 264.

CHAPTER 147. OF CERTAIN RIGHTS AND LIABILITIES OF HUSBAND AND WIFE.

An act giving to a wife the right of interment in a burial lot or tomb owned by her husband. St. 1883, c. 262.

CHAPTER 150. OF THE SUPREME JUDICIAL COURT.

SECT. 2. In St. 1883, c. 223, § 2, the phrase "full court" means the supreme judicial court in banc.

SECT. 14. Amended and extended. St. 1883, c. 223, § 15.

CHAPTER 151. OF THE SUPREME JUDICIAL COURT—EQUITY JURISDICTION.

SECT. 1. The superior court shall have original and concurrent jurisdiction with the supreme judicial court. St. 1883, c. 223, § 1.

SECTS. 1, 2. Law and equity to be concurrently administered. St. 1883, c. 223, §§ 14, 17.

Equitable claims and equitable defences allowed in actions at law. St. 1883, c. 223, § 14.

SECTS. 1, 12, 27, 28, 30, 31, 33. The entire chapter, except these sections, applies to suits in equity in superior court. St. 1883, c. 223, § 2.

SECT. 2. No action or suit shall be defeated on the ground that there is an adequate remedy at law, or that the relief sought can only be obtained by a suit in equity. St. 1883, c. 223, § 17.

SECT. 7. Certain allegations in the pleadings may be omitted. St. 1883, c. 223, § 10.

CHAPTER 152. OF THE SUPERIOR COURT.

SECT. 4. An act granting jurisdiction in equity to the superior court. St. 1883, c. 223.

SECT. 8. Removal of suits in equity, on affidavit, to the supreme judicial court. St. 1883, c. 223, § 8.

CHAPTER 154. OF POLICE, DISTRICT, AND MUNICIPAL COURTS.

SALARIES.

Boston. St. 1883, c. 47.

Gloucester. St. 1883, c. 53.

Plymouth. St. 1883, c. 57.

Hampshire. St. 1883, c. 75., c. 80.

West Roxbury. St. 1883, c. 111.

PUBLIC STATUTES.

CHAPTER 157.

OF COURTS OF INSOLVENCY.

SECT. 103. An act relative to unclaimed dividends in insolvency. St. 1883, c. 242.

CHAPTER 158.

OF JUDGES AND REGISTERS OF PROBATE AND INSOLVENCY.

SECT. 23. An act to establish the salary of the judge of probate and insolvency for the county of Essex. St. 1883, c. 244.

CHAPTER 159.

OF CLERKS, ATTORNEYS, AND OTHER OFFICERS OF JUDICIAL COURTS.

MASTERS IN CHANCERY.

SECT. 48. The courts shall award special compensation to assessors, masters and special masters, to be paid by the counties. St. 1883, c. 216.

SECT. 69. Amended. St. 1883, c. 54.

CHAPTER 161.

OF THE COMMENCEMENT OF ACTIONS AND THE SERVICE OF PROCESS.

VENUE OF ACTIONS.

SECTS. 1, 12. Suits in equity may be brought in any county where a personal transitory action may be brought. St. 1883, c. 223, §13.

CHAPTER 167.

OF PLEADINGS AND PRACTICE.

SECT. 43. Whenever an amendment is allowed in the superior court, under the provisions of this section, that court shall retain jurisdiction of the cause. St. 1883, c. 223, §17.

CHAPTER 169.

OF WITNESSES AND EVIDENCE.

WITNESSES.

An act to enforce the attendance of witnesses before special tribunals. St. 1883, c. 195.

DEPOSITIONS.

SECT. 28. Amended. St. 1883, c. 188, § 1.

SECT. 41. Amended. St. 1883, c. 188, § 2.

TABLE OF CHANGES.

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CHAPTER 183.

OF THE TRUSTEE PROCESS.

An act concerning costs under the trustee process. St. 1883, c. 62.

CHAPTER 192.

OF MORTGAGES OF PERSONAL PROPERTY.

SECTS. 1, 2. These sections are stricken out and new ones substituted.
St. 1883, c. 73. .

CHAPTER 203.

OF OFFENCES AGAINST PROPERTY.

SECT. 79. Amended. St. 1883, c. 81.
St. 1883, c. 77, provides a punishment for the wilful *detention* of books,
etc.

MALICIOUS MISCHIEF.

SECT. 103. St. 1883, c. 156, provides a punishment for any person who
tears down or defaces town meeting warrants or any notice or paper posted
in compliance with law.

CHAPTER 208.

OF OFFENCES AGAINST THE PUBLIC HEALTH.

An act relating to the adulteration of food and drugs. St. 1882, c. 263,
§ 5 amended by St. 1883, c. 263.

CHAPTER 212.

OF EXAMINATION, COMMITMENT, AND BAIL.

SECT. 26. If a trial justice fails to attend at an adjourned examination
or trial, any other for the county may attend. St. 1883, c. 175.

CHAPTER 213.

OF INDICTMENTS, PROSECUTIONS, AND PROCEEDINGS BEFORE TRIAL.

SECTS. 15, 30. When a person is committed to the state lunatic hospi-
tal, under the provisions of these sections, the charges of his support shall
be paid by the Commonwealth. St. 1883, c. 148, § 2.

CHAPTER 214.

OF TRIALS AND PROCEEDINGS BEFORE JUDGMENT.

SECTS. 16, 19, 20. When a person is committed to the state lunatic hospi-
tal, under the provisions of these sections, the charges of his support
shall be paid by the Commonwealth. St. 1883, c. 148, § 2.

CHAPTER 219.

OF THE COMMISSIONERS OF PRISONS.

SECT. 10. For expenses as authorized by this section, a sum not exceeding two hundred dollars. St. 1883, c. 198, § 1.

SECTS. 26, 27. An act making appropriations for the assistance of convicts discharged from the state prison at Concord. St. 1883, c. 215.

SECT. 27. An act making appropriations for the assistance of female convicts discharged from the prisons of this Commonwealth. St. 1883, c. 213.

CHAPTER 221.

OF THE STATE PRISON AND THE REFORMATORY PRISON FOR WOMEN.

So much of this chapter as is inconsistent with St. 1883, c. 267, is repealed. St. 1883, c. 267, § 6.

SECT. 17. An act relating to the employment of prisoners. St. 1883, c. 217. The number to be employed on contract work limited.

SECTS. 54-58, inclusive. The provisions of these sections apply to the superintendent. St. 1883, c. 267, § 5.

SECT. 60. Amended. St. 1883, c. 267, § 5.

A TABLE SHOWING THE SUBJECTS OF LEGISLATION IN 1883, WITH REFERENCES TO THE STATUTES OF THE COM- MONWEALTH AND TO THE PUBLIC STATUTES.

ADMINISTRATORS.

public, funds received from, how
claimed, amending P. S. c. 131,
§ 18 St. 1883, c. 264

ADULTERATION.

of food and drugs. St. 1882, c. 263,
§ 5, amended St. 1883, c. 263

AGRICULTURE, BOARD OF.

salary of secretary, amending P. S.
c. 20, § 4. St. 1883, c. 184

ALMSHOUSE, STATE.

at Tewksbury, one person may be
superintendent and resident phy-
sician, relating to P. S. c. 86 . .
St. 1883, c. 278

ANIMALS.

See DEER.

APPEALS.

from orders passed by boards of health,
amending P. S. c. 80, § 88
St. 1883, c. 133.
P. S. c. 150, § 14, relating to proceed-
ings when exceptions are friv-
olous, extended to appeals . . .
St. 1883, c. 223, § 15

APPORTIONMENT.

of taxes. See TAXES.

ASSESSMENT.

of taxes. See TAXES.

ASSESSORS.

of taxes, returns and copies of valua-
tion books of, when to be deposit-
ed, relating to P. S. c. 11, §§ 54, 55,
St. 1883, c. 91
compensation of, for duties per-
formed under direction of court.
See MASTERS IN CHANCERY.
election of.
See TOWNS AND TOWN OFFICERS.

ATTORNEYS AT LAW.

women who are, may be authorized
to administer oaths, etc., relating
to St. 1882, c. 139 . . . St. 1883, c. 252

BALLOTS.

at recount of, contesting candidates
may be present, etc., relating to
P. S. c. 7, § 52 St. 1883, c. 42

BIRDS.

English sparrows may be taken or
killed; amending P. S. c. 92, § 6,
St. 1883, c. 36
See ORNITHOLOGY.

BIRTHS.

returns of, by physicians and mid-
wives, amending P. S. c. 32, § 7,
St. 1883, c. 158

BOARDING HOUSES AND LODGING HOUSES.

persons procuring entertainment at,
with intent to defraud, subject to
provisions of P. S. c. 102, § 13 . .
St. 1883, c. 187, § 1
keepers to post copies of P. S. c. 102,
§ 13, as amended, St. 1883, c. 187, § 2.
See BUILDINGS.

BODIES FOR BURIAL.

See BURIAL.

BONDS AND NOTES.

See RAILROADS.

BUILDINGS.

inspection of, general provisions re-
quiring watchmen, fire-escapes,
etc., in hotels, boarding or lodging
houses, penalty prescribed in P.
S. c. 104 § 22, applied to this act,
St. 1883, c. 251
unsafe elevators in, shall be placarded
by inspectors and not run: pen-
alty for removing placard or for
running elevator, relating to P. S.
c. 104 St. 1883, c. 173

BURIAL.

certificate required before permit to
bury or remove body in certain
cases, amending P. S. c. 32, § 5,
St. 1883, c. 124, § 1
lot of husband, rights of wife in; may
be released same as dower, relat-
ing to P. S. c. 147 and c. 82, § 3 .
St. 1883, c. 262

CEMETERIES.

records of burial lots in, amending
P. S. c. 82, § 6 St. 1883, c. 142

CHILDREN.

care and education of neglected,
amending P. S. c. 48, § 19 . . .
St. 1883, c. 245
employment of, in manufacturing and
other establishments, provisions
concerning, amending P. S. c. 48,
§ 1 St. 1883, c. 224
employment of minors and women,
P. S. c. 74, § 4 amended . . .
St. 1883, c. 157
indigent and neglected, P. S. c. 84,
§ 21, amended by inserting the
words, "or St. Mary's Infant
Asylum" St. 1883, c. 232, § 1

CHILDREN—Continued.

St. Mary's Infant Asylum, subject to provisions of P. S. c. 86, §§ 44, 46, St. 1883, c. 232, §§ 2, 3

CITY.

See TOWNS AND TOWN OFFICERS.

COAL.

See SALES.

COLOR BLINDNESS.

See RAILROADS.

COMMON CARRIERS.

not to transport bodies of persons who have died of certain diseases unless, etc., P. S. c. 32, § 5 amended St. 1883, c. 124

CO-OPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

name of, changed to "co-operative banks," amending P. S. c. 117, § 3 St. 1883, c. 98, §§ 1-3
title of P. S. c. 117, changed St. 1883, c. 98, § 2

CORPORATIONS.

municipal and other, to make returns of acceptance or rejection of acts, etc.; relating to P. S. chapters 105 to 119, etc. St. 1883, c. 100
foreign mining, quarrying and oil companies taxation of, amending St. 1882, c. 106, § 4 St. 1883, c. 74
insolvent, receivers of certain insolvent corporations having unclaimed moneys, P. S. c. 119, § 173; c. 116, § 44, repealed St. 1883, c. 258

COSTS.

on removal of suits in equity, pending in superior court, to supreme judicial court; relating to P. S. c. 152, c. 153 St. 1883, c. 223, §§ 8, 9,
when trustee is sued by defendant, relating to P. S. c. 183. St. 1883, c. 62
when trial justice fails to attend adjourned trial or examination and another attends; P. S. c. 212, § 26 amended St. 1883, c. 175, § 2

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